

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BRICKYARD DISPOSAL &	)	
RECYCLING, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 16-66
	)	(Permit Appeal—Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on August 24, 2016, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois RESPONDENT'S MOTION FOR SUMMARY JUDGMENT, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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Dated: August 24, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that I did on August 24, 2016, before 5:00 p.m., cause to be served by electronic mail, a true and correct copy of the following instruments entitled NOTICE OF FILING and RESPONDENT'S MOTION FOR SUMMARY JUDGMENT upon the following persons:

Pollution Control Board, Attn: Clerk  
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PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

Respondent, the Illinois Environmental Protection Agency, under 35 Ill. Adm. Code 101.516, hereby moves for summary judgment against Petitioner, Brickyard Disposal & Recycling, Inc., and in favor of Respondent.

**INTRODUCTION**

Petitioner Brickyard Disposal & Recycling, Inc. (Brickyard) seeks to increase the capacity of its landfill in Vermilion County, but it has not obtained approval from the County to do so. Instead, Brickyard submitted a permit application to the Illinois Environmental Protection Agency (Agency) containing a prior approval granted by the County in 1992 for a previous expansion. The Agency rejected the permit application as incomplete because the prior approval was not proper proof the County had approved the proposed expansion. Without proof of local approval, the Agency legally had no choice but to reject the application.

Brickyard appeals the Agency's rejection, asserting it has submitted sufficient proof of approval. To prevail, Brickyard must prove, among other things, that its permit application contains current and complete proof of approval from Vermilion County for the proposed expansion. Brickyard, however, cannot do so. First, it has not secured new approval as required by law. Second, even if it could rely on prior approval, the 1992 approval Brickyard submitted is invalid because Brickyard failed at the time to comply with public notice requirements for that approval. Finally, even if Brickyard could rely on that particular approval, it did not approve the entire area Brickyard now seeks to fill with waste. Because Brickyard cannot demonstrate proof of the siting approval it needs, the Agency is entitled to summary judgment.

### **FACTS**

Brickyard currently owns and operates a municipal solid waste landfill in Vermilion County.<sup>1</sup> Pet. ¶ 1. In 1981, the Agency issued a permit to Brickyard allowing development of the 293-acre site. R. at 06535.<sup>2</sup> Brickyard later split the site into two landfill units, Unit 1 and Unit 2. R. at 06521. As permitted, the two units will form a single final mound, but will remain two separate and distinct units managed under different regulations.

#### **The 1991 Siting Request**

On September 18, 1991, Brickyard submitted a "Request for Site Approval" (the Siting Request) to the Vermilion County Board. Pet. ¶ 5; *see gen-*

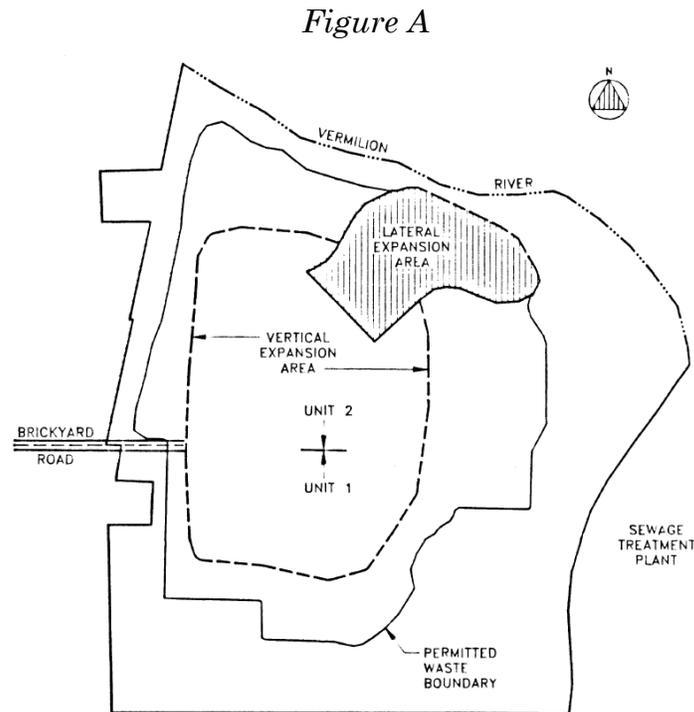
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<sup>1</sup> H/L Disposal Company originally owned and developed the landfill in its current form, but legally changed its name to Brickyard Disposal & Recycling, Inc. in 1996.

<sup>2</sup> All pages from the Record cited in this Motion are reproduced in the attached Appendix.

erally R. at 47212–28 (main application). The main purpose of the Siting Request was for the County’s approval of the location and suitability (“siting”) of a “volumetric expansion of [the] existing landfill.”<sup>3</sup> R. at 47215; *see also* R. at 47411. Specifically, as stated in the public notice, Brickyard sought “a lateral expansion of approximately 21 acres . . . as well as a 40[-]foot vertical expansion.” R. at 47411. The notice further stated the application would be submitted to the County Board on September 20, 1991. *Id.*

Figure 1 of the request (below as *Figure A*) depicted the contours of the requested expansions. R. at 47218. Shown are: (1) the lateral expansion in the northeast corner of Unit 2, and (2) the vertical expansion over both units.



The Siting Request indicated the vertical expansion sought to raise the final height of the landfill by 40 feet, from 675 feet above mean sea level (MSL) to

<sup>3</sup> The Siting Request also sought approval for an unrelated on-site recycling center.

715 feet MSL. *See* R. at 47037 (Drawing 89-115-4); *see also* R. at 47372 (“The volumetric expansion calls for a forty foot (40’) vertical increase in height of the existing facility over a 90 acre portion of the total 293 acre facility. This raises the ceiling from 675 to 715 feet above sea level.”).

### **The 1992 Siting Approval**

In 1992, the Vermilion County Board adopted a resolution (the Siting Approval) approving the two expansions in the Siting Request. R. at 47498–99. The approval resolution stated Brickyard had “requested site approval for . . . a lateral and vertical expansion of permitted landfill boundaries.” R. at 47498. The resolution in turn approved “[t]he request for site approval.” *Id.*

### **Permit No. 1994-419-LFM**

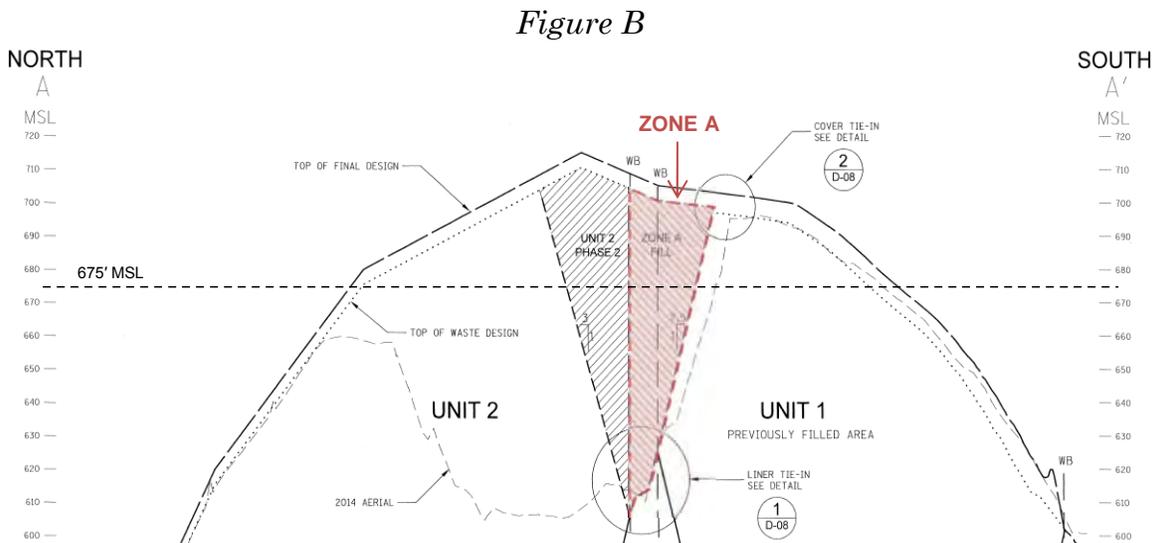
In 1993, Brickyard submitted a permit application to modify the landfill. R. at 05118. Among the “design improvements” Brickyard proposed was the “isolation of Units 1 and 2” to “demonstrate[] that the waste between Unit 1 and Unit 2 is not contiguous.” R. at 05140, 05253. This was done so that Unit 1 could close as a separate and distinct solid waste landfill unit regulated by 35 Ill. Adm. Code Part 814, Subpart D, which would mean only Unit 2 had to be developed (as an independent landfill unit) under new, more stringent regulations in Subpart C. R. at 05140, 05253. Isolation was proposed to be accomplished “by leaving a berm below grade and by placing a wedge of earth fill above grade between the two units” to “provide[] a definitive boundary between the units.” *Id.* The wedge—dubbed “Zone A”—would

“be maintained as a separation area between Units 1 and 2 . . . filled with clean inert material and other materials approved by the [Agency].” R. at 05250. Brickyard emphasized, “This [area] will not be filled with municipal solid waste . . . .” *Id.* Brickyard later clarified Zone A would be “a minimum 50[-]foot (horizontal) separation zone” between the units. R. at 05072.

The Agency issued Permit No. 1994-419-LFM, allowing further development of Unit 2. R. at 04879. Following Brickyard’s request, the permit established Zone A as a waste-free area through a special permit condition that “a separate berm shall be maintained between Unit I and Unit II” to isolate the units. R. at 04879, 04898–99 (Special Condition XII.1).

### The Zone A Wedge

As seen in *Figure B* below, Zone A forms a wedge between Unit 1 and Unit 2.<sup>4</sup> Likewise, as indicated by the dashed line, part of Zone A sits above 675’ MSL, while a material portion falls below.



<sup>4</sup> Adapted from Drawing D-06, Supplemental Application, Log No. 2015-421, R. at 47528.

The volume of the wedge is roughly one million cubic yards. *See* R. at 05253, 47069. When applying for Permit No. 1994-419-LFM, Brickyard proposed to “compensate” for almost all of that forgone waste capacity by tweaking design parameters to spread that volume over the rest of Unit 2. R. at 05253, 05255. The Agency permitted the design change, allowing Brickyard to both close Unit 1 as a separate and distinct landfill unit under the less stringent regulations and still develop the full waste volume it desired. All Brickyard had to do was abide by its commitment to develop Zone A as a waste-free buffer.

### **The 2015 Permit Application**

In August 2015, Brickyard submitted a permit application to put waste in Zone A. R. at 46992; *see generally* R. at 46993–47003 (main application). Brickyard sought “to place municipal solid waste in Zone A . . . to create one homogenous waste disposal unit in lieu of the current permitted [non-waste] fill for Zone A.” R. at 46995. Filling Zone A with waste would increase the landfill’s capacity by over one million cubic yards (because Zone A’s volume was already redistributed in the prior permit), increasing its lifespan by five additional years. R. at 47069. The application referenced the Siting Approval granted by Vermilion County in 1992, but did not include proof of approval.

### **The 2015 Permit Rejection**

The Agency notified Brickyard by letter that the August 2015 application was incomplete. R. at 47571–73. The “incompleteness” letter identified three major deficiencies, indicating the application failed to include: (1) proof

of current siting approval granted by the Vermilion County Board as required by Section 39(c) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/39(c); (2) a new or updated groundwater impact assessment required by 35 Ill. Adm. Code 811.317(a)(1); and (3) an approved contaminant transport model satisfying 35 Ill. Adm. Code 811.317(c)(1). *Id.* The letter invited Brickyard to submit additional information to address these deficiencies.

Brickyard submitted a supplemental application containing additional information and documentation. R. at 47202; *see generally* 47204–10 (supplemental response). Principally, Brickyard included a copy of the Siting Request from 1991, the Siting Approval from 1992, and a certification form signed by the Chairman of the Vermilion County Board in 1992. R. at 47212–28, 47498–99, 47501. No new or other siting approval was submitted.

In response, on November 25, 2015, the Agency again notified Brickyard by letter that the application was incomplete. R. at 47531–32. The second incompleteness letter identified the same three deficiencies as before. The letter advised it is was the Agency's final decision on the application.

Brickyard now appeals that decision.

### **BURDEN OF PROOF ON APPEAL**

Under the Act, the petitioner bears the burden of proof when appealing a permit decision. 415 ILCS 5/40(a)(1); 35 Ill. Adm. Code 105.112(a). For purposes of review, rejection of a permit application is treated as a permit denial. *See Atkinson Landfill Co. v. Illinois Env'tl. Prot. Agency*, PCB 13-8 (June 20,

2013). “The sole question before the Board in a review of the Agency’s denial of a permit is whether the petitioner can prove that the application *as submitted to the Agency* demonstrates that the facility will not cause a violation of the Act.” *Illinois Env’tl. Prot. Agency v. Illinois Pollution Control Bd.*, 118 Ill. App. 3d 772, 780 (1st Dist. 1983) (emphasis in original). The petitioner may therefore only rely on information in the record to meet its burden; not information brought forth after the fact. *Alton Packaging Corp. v. Illinois Pollution Control Bd.*, 162 Ill. App. 3d 731, 738 (5th Dist. 1987). The Agency’s denial letter frames the issues a petitioner must address on appeal. *ESG Watts, Inc. v. Illinois Pollution Control Bd.*, 286 Ill. App. 3d 325 (3d Dist. 1997). If a denial letter references multiple issues, a petitioner’s failure to carry its burden on any one issue is dispositive of the appeal. *See Staunton Landfill, Inc. v. Illinois Env’tl. Prot. Agency*, PCB 91-95 (Mar. 26, 1992); *Bi-State Disposal, Inc. v. Illinois Env’tl. Prot. Agency*, PCB 89-49 (June 8, 1989), *aff’d*, 203 Ill. App. 3d 1023 (5th Dist. 1990).

Here, the Agency’s incompleteness letter identified three provisions of the Act and Board regulations that were not satisfied by Brickyard’s permit application. The burden of proof on Brickyard then is to prove that issuance of a permit would not violate the cited provisions, using only the administrative record. In other words, Brickyard must use its permit application to disprove a violation of each provision. Failure to disprove a violation of any one provision is dispositive. Likewise, affirmative proof of a violation is fatal.

## STANDARD OF REVIEW

Summary judgment in a permit appeal is appropriate when the record demonstrates no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. 35 Ill. Adm. Code 101.156(b); *see Dowd & Dowd, Ltd. v. Gleason*, 181 Ill. 2d 460, 483 (1998). A respondent moving for summary judgment bears the initial burden of producing evidence that either (1) affirmatively negates an element of the petitioner's case on appeal, or (2) demonstrates the petitioner is unable to prove an element of its case. *See Willett v. Cessna Aircraft Co.*, 366 Ill. App. 3d 360, 368 (1st Dist. 2006) (discussing defendant's burden for summary judgment). If a respondent meets its burden of production, the burden shifts to the petitioner to come forward with specific evidence in the record creating a genuine issue of fact to defeat summary judgment. *Loschen v. Grist Mill Confections, Inc.*, PCB 97-174 (Sept. 18, 1997) (quoting *Estate of Sewart*, 236 Ill. App. 3d 1, 7-8 (1st Dist. 1992)).

Here, only one of the three provisions identified in the Agency's incompleteness letter is appropriate for summary judgment: Brickyard's failure to provide current siting approval for its expansion as required by Section 39(c) of the Act.<sup>5</sup> Section 39(c) provides that "no permit for the development or construction of a new pollution control facility may be granted by the Agency un-

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<sup>5</sup> The Agency believes the other two provisions identified in the incompleteness letter involve genuine issues of material fact and are unsuitable for summary judgment. Because compliance with Section 39(c) is dispositive and involves no genuine issues of fact, the other two provisions are not discussed here. The Agency, however, does not waive any right to address those provisions at a more appropriate stage of this proceeding, if necessary. The Agency maintains the permit application failed to demonstrate compliance with all three provisions.

less the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the [affected] county . . . in accordance with Section 39.2 of [the] Act.” 415 ILCS 5/39(c) (2014). Brickyard must therefore prove the record shows that issuance of a permit would not violate Section 39(c)’s prohibition on issuing permits without proof of siting approval. That is, Brickyard must ultimately prove its application provides proof that it has sufficient siting approval from Vermilion County for its expansion.

For summary judgment, the Agency must therefore (1) prove as a matter of law that Brickyard does not have the kind of siting approval required, or (2) demonstrate that the record lacks sufficient proof of siting approval for Brickyard to carry its burden. In the absence of a genuine issue of material fact, either showing warrants summary judgment.

### **ARGUMENT**

The Agency is entitled to summary judgment because Brickyard did not submit adequate proof of siting approval. First, Brickyard did not secure approval for its proposed expansion as required by law. Second, even if Brickyard could rely on an earlier approval, the Siting Approval from 1992 is invalid because Brickyard failed to comply with public notice requirements for that approval. Finally, even if it were valid, the Siting Approval did not sanction waste disposal for the entire area of the proposed expansion. For each of these reasons, Brickyard cannot prove it has siting approval for its proposed expansion. The Agency is therefore entitled to summary judgment.

**I. Brickyard's Permit Application Is "Fundamentally Deficient" Because It Lacks Proof of New Siting Approval Required by Law for Volumetric Expansions**

**A. Brickyard's Volumetric Expansion Is a New Pollution Control Facility Requiring Proof of Siting Approval**

Under the Act, a municipal solid waste landfill like Brickyard's is a "pollution control facility." 415 ILCS 5/3.330(a). Expanding such a facility creates a "new pollution control facility," defined as "the area of expansion beyond the boundary of a currently permitted pollution control facility." 415 ILCS 5/3.330(b)(2). Before the Agency may issue a permit for the development of an expansion, however, Section 39(c) of the Act requires the developer to prove the new pollution control facility has siting approval from the relevant local government in accordance with the location suitability criteria set forth in Section 39.2. *See* 415 ILCS 5/39(c).

By the plain terms of the statutory definition, the operative "boundary" for a new pollution control facility is the one set by an Agency permit (not local siting approval). The Illinois Supreme Court has held as much, concluding that a landfill expansion constituted a new pollution control facility because the permit applicant sought "to increase . . . the waste disposal capacity of a landfill beyond the limits set out in the initial permit issued by the Agency." *M.I.G. Investments, Inc. v. Illinois Env'tl. Prot. Agency*, 122 Ill. 2d 392, 401 (1988); *see also Bi-State Disposal Inc. v. Illinois Env'tl. Prot. Agency*, 203 Ill. App. 3d 1023, 1024–26 (5th Dist. 1990) (looking only at permits to determine expansion was a new pollution control facility). The Board has reached the

same conclusion, using a permit's waste boundaries to determine whether an expansion is a new pollution control facility. *Cf. Snyder v. Waste Mgmt. of Illinois*, PCB 95-1 (May 18, 1995), slip op. at 8 (holding expansion was not a new pollution control facility "because the area of expansion is not beyond the original boundaries that were [previously] permitted").

Here, Brickyard seeks to place municipal solid waste in an area not within its current permit's waste boundaries. The Illinois Appellate Court's holding in *Bi-State Disposal Inc. v. Illinois Env'tl. Prot. Agency* is instructive on this point. 203 Ill. App. 3d at 1028. The applicant in *Bi-State* sought to place waste in an area included for waste disposal in an earlier permit, but later removed at the applicant's request in a subsequent permit. *Id.* at 1024–25. The request to remove the area from the permit's waste disposal boundaries placed the area outside of the (reduced) boundaries of the resulting permit. The appellate court held the applicant's proposal to reinstate the area for waste disposal constituted a new pollution control facility, *i.e.*, an expansion beyond the then-existing permit boundaries. *Id.* at 1028.

Like the permit applicant in *Bi-State*, Brickyard seeks a permit to place municipal solid waste in an area that is no longer within its permit boundaries. Although Brickyard's original 1981 development permit allowed waste disposal in the area that is now Zone A, Brickyard gave up that approval when applying for Permit No. 1994-419-LFM. Brickyard requested the 50-foot Zone A "separation" berm between the landfill units so that it could

close Unit 1 to develop Unit 2 independently. R. at 05140, 05250, 05253. The Agency obliged, issuing the permit with the condition that “a separate berm . . . be maintained between Unit I and Unit II.” R. at 04898. The condition removed Zone A from the area permitted for waste disposal. Zone A is thus beyond the facility’s currently permitted waste boundaries. *See Bi-State*, 203 Ill. App. 3d at 1028; *see also Saline County Landfill, Inc. v. Illinois Env’tl. Prot. Agency*, PCB 02-108 (Apr. 18, 2002), slip op. at 18 (“The Board finds . . . that the roughly 50-foot area of the once-proposed clean fill berm . . . , as a ‘separation’ berm, was by definition beyond the . . . waste boundary . . .”).

Brickyard is then incorrect when it contends that it “does not seek permitting of a ‘new pollution control facility’ [because] Zone A is not an area beyond the boundaries of a currently permitted facility.” Pet. ¶ 15.E. Right now, Brickyard does not have a permit allowing it to place municipal solid waste in Zone A. Zone A is thus an area outside of the waste disposal boundaries of Brickyard’s current permit. “Indeed, the purpose behind the permit modification is to receive permission to deposit waste in areas beyond those allowed by the present permit.” *Bi-State Disposal, Inc. v. Illinois Env’tl. Prot. Agency*, PCB 89-49 (June 8, 1989), slip op. at 6. The expansion into Zone A is therefore a new pollution control facility. And as a new pollution control facility, Section 39(c) requires Brickyard to provide the Agency with proof of siting approval from Vermilion County.

**B. Brickyard Cannot Rely on Prior Siting Approval Because New Siting Approval Is Required for Volumetric Expansions**

The implicit question raised by Brickyard's appeal is whether it was required to seek new siting approval for its expansion, or if it could rely on prior approval. The Illinois Supreme Court definitively answered this question in *M.I.G. Investments, Inc. v. Illinois Env'tl. Prot. Agency*, holding that a volumetric expansion categorically requires new siting approval. See 122 Ill. 2d 392, 400 (1988). The court's analysis of the Act's landfill provisions led it to conclude, "[I]t is clear that the legislature intended to invest local governments with the right to assess not merely the location of proposed landfills, but also the impact of alterations in the scope and nature of previously permitted landfill facilities." *Id.* Changes in the "scope and nature" of a facility impact siting criteria local governments consider under Section 39.2(a), entitling localities to new siting review. *Id.* at 401. According to the court, increases in landfill capacity "surely have an impact" on siting criteria, and therefore compel new siting review. *Id.*

Notably, the supreme court's analysis was without regard to whether a landfill has existing siting approval or siting-imposed volume restrictions. Rather, the court's reasoning focused solely on whether an alteration changes the scope and nature of a facility in a way that affects Section 39.2(a) siting criteria. New siting approval is required for any change to the scope and nature of a facility that impacts siting criteria. See, e.g., *Medical Disposal Ser-*

*vices, Inc. v. Illinois Env'tl. Prot. Agency*, 286 Ill. App. 3d 562 (1996) (change in landfill operator); *Bi-State*, 203 Ill. App. 3d 1023 (1990) (underground expansion); *cf. Waste Mgmt. of Illinois v. Illinois Env'tl. Prot. Agency*, PCB 94-153 (July 21, 1994) (holding new siting not required for decrease in landfill capacity, which reduced impact on siting criteria).

The Board's case law has further examined *M.I.G.*'s insight that approval of an expansion's location is a necessary, but not always sufficient, condition to providing adequate proof of siting approval. That is, the "burden of proof under Section 39(c) is not limited to showing only that the proposed facility's location has been approved by the local government." *Saline County Landfill, Inc. v. Illinois Env'tl. Prot. Agency*, PCB 02-108 (Apr. 18, 2002), slip op. at 17. An applicant must also show that the local siting authority has approved the proposed facility's design as it relates to siting criteria. *Id.*

New siting approval is required if an expansion or other design change impacts siting criteria or is no longer consistent with existing siting approval. *Waste Management of Illinois*, PCB 94-153. This is so because neither the Agency nor Board may consider a landfill's appropriateness for, and impact on, a particular community. The legislature expressly gave that duty to local siting authorities. Only they may consider the suitability criteria in Section 39.2(a), including, most importantly, "the public health ramifications of [a] sanitary landfill's design at a given site." *City of East Peoria v. Illinois Pollution Control Bd.*, 117 Ill. App. 3d 673, 679 (3d Dist. 1983). Thus, even if

an expansion is within the metes and bounds of existing prior approval, new siting may still be required. *See Saline County*, PCB 02-108 (rejecting the Agency's bright-line test looking only at whether an expansion was within existing siting waste boundaries).

Here, the law requires Brickyard to secure new siting approval. Like the applicant in *M.I.G.*, Brickyard seeks a volumetric expansion of its landfill. Reinstating Zone A for permitted municipal solid waste disposal will increase capacity by over one million cubic yards. R. at 47069. The Illinois Supreme Court has conclusively determined an increase in capacity undeniably alters the scope and nature of a landfill and demands new siting approval. *M.I.G.*, 122 Ill. 2d at 400; *see also Waste Management*, PCB 94-153, slip op. at 7 (“[E]xpansions . . . require local approval pursuant to Section 39.2 of the Act.”). The expansion will accordingly add five years to the lifespan of the facility, R. at 47069, increasing impacts on siting criteria. *Cf. Waste Management*, PCB 94-153 (holding new siting not required where reduced capacity shortened life of landfill, decreasing impacts on siting criteria). Therefore, Vermilion County must be given a chance to weigh in on Brickyard's proposed expansion.

Brickyard, however, has not sought new siting approval. Whether or not Zone A is within existing siting boundaries does not matter given the expansion's impact on siting criteria. Issuance of a permit for a volumetric expansion without new siting approval would violate the Act, and usurp Ver-

milion County's critical role in the permitting process. Under Section 39.2(a), only the County may consider the suitability of the proposed expansion for the community, as it exists today (not 25 years ago). Only the County may weigh Brickyard's desire for more waste-disposal capacity against the community's actual waste-disposal needs; prolonged threats of fires, spills, and accidents; and continued wear and tear on public roads. Likewise, only the County may assess the expansion's consistency with its current waste management plan. That is why the Illinois Supreme Court, lower courts, and the Board have consistently held that new siting approval is required in this situation. To hold otherwise would deny the community any voice in the decision to expand a landfill in its own backyard. Brickyard therefore must seek new siting approval specifically addressing its proposed expansion.

Without new siting approval, Brickyard's permit application lacks the siting approval required by the Act. The Board is clear as to the outcome: "Absent proof by [the applicant] that it has received siting approval, the application is *fundamentally deficient*, and must be denied as a matter of law." *Staunton Landfill, Inc. v. Illinois Env'tl. Prot. Agency*, PCB 91-95 (Mar. 26, 1992), slip op. at 4. Brickyard then cannot prevail on its appeal as a matter of law. No genuine issue of fact exists that Brickyard proposes a volumetric expansion, and that it did not seek or submit new siting approval for the expansion. The Agency is therefore entitled to summary judgment.

**II. Brickyard's Permit Application is Incomplete Because Brickyard's Failure to Comply with Its Public Notice Stripped the County Board of Jurisdiction to Grant the 1992 Siting Approval**

Even if Brickyard could rely on prior siting approval instead of securing new approval, the Siting Approval from 1992 that Brickyard submitted is invalid. Section 39.2(b) of the Act requires an applicant to publish notice of a request for local siting approval in a newspaper of general circulation. 415 ILCS 5/39.2(b) (2014). Section 39.2(b) further commands that “[s]uch notice shall state . . . the date when the request for site approval will be submitted” to the siting authority. *Id.* As the Board has explained, “The notice requirements of Section 39.2 are to be strictly construed as to timing, and even a one day deviation in the notice requirement renders the county without jurisdiction” to review the siting request. *Concerned Citizens of Williamson County v. Kibler Dev.*, PCB 92–204 (May 20, 1993), slip op. at 3 (citing *Browning–Ferris Indus. of Illinois v. Illinois Pollution Control Bd.*, 162 Ill. App. 3d 801, 804 (5th Dist. 1987)).

In *Concerned Citizens*, the applicant submitted its siting application to the county board on a different date than stated in its published public notice. The Board had no trouble finding this deviation to be fatal, holding an applicant’s “failure to submit its application on the date included in the newspaper notice renders that notice void.” *Id.* at 5. “The case law is quite clear,” the Board reiterated, “that failure to follow Section 39.2(b) notice procedures is a jurisdictional defect, such that a local decisionmaker is not vest-

ed with jurisdiction to hear an application for siting approval.” *Id.* (citing *Kane County Defenders v. Illinois Pollution Control Bd.*, 139 Ill. App. 3d 588 (2d Dist. 1985)). Thus, the siting approval at issue in *Concerned Citizens* could not have been granted and was therefore held to be invalid.

Here, Brickyard stated in the public notice for the Siting Request that the application would be submitted to the Vermilion County Board on September 20, 1991. R. at 47411. Brickyard, however, submitted its application two days sooner on September 18, 1991. Pet. ¶ 5; R. at 47212. Thus, exactly as in *Concerned Citizens*, “the notice did include a date when the application was to be submitted, but the application was not submitted on that date.” PCB 92–204, slip op. at 5. This failure to comply with the representation made in its public notice voided the notice and stripped the Vermilion County Board of jurisdiction to even consider—let alone approve—Brickyard’s application. The Siting Approval is therefore invalid and provides no proof of siting approval.

Without the Siting Approval, the record lacks any proof of siting approval. Brickyard therefore lacks evidence needed to carry its burden on appeal that the record shows it has submitted proof of siting approval. No genuine issue exists as to the date Brickyard submitted the Siting Request to the County Board, and no genuine issue can exist as to the date Brickyard said it would submit the application in its public notice. The Agency is therefore entitled to summary judgment.

**III. Brickyard's Permit Application Is Incomplete Because the 1992 Siting Approval Does Not Provide Proof of Approval for the Entire Expansion Area Now Proposed**

Finally, even if Brickyard could generally rely on a prior approval, and specifically on the Siting Approval from 1992, its permit application would still be incomplete. Brickyard mistakenly contends it “does not . . . seek to expand the landfill in any manner not contemplated by the 1992 siting decision.” Pet. ¶ 15.D. By the clear terms of the Siting Request and Siting Approval, Brickyard neither requested nor received siting approval to dispose of municipal solid waste in all of the area that is now Zone A. Indeed, a sizeable portion of Zone A is outside of the area approved in 1992.

**A. The Siting Approval Approved Two Expansions**

The Siting Request Brickyard submitted to the Vermilion County Board in 1991 was specific as to what was requested. The opening paragraph of the executive summary concludes, “This request is . . . for approval of the volumetric expansion of an existing landfill.” R. at 47215. The public notice echoed the narrow request specifically for “a lateral expansion of approximately 21 acres . . . as well as a 40[-]foot vertical expansion over a portion of the currently permitted facility.” R. at 47411. The overhead contours in Figure 1 of the application likewise show two discrete areas of expansion beyond the existing facility. *See Figure A, supra* p. 3. There can therefore be no genuine issue as to the scope of the Siting Request as it relates to where within the site Brickyard sought approval to dispose of municipal solid waste.

The resulting Siting Approval is equally unambiguous. The resolution stated that Brickyard had “requested site approval for . . . a lateral expansion and vertical expansion” of the landfill. R. at 47498. The County Board resolved that “[t]he request for site approval . . . is approved.” *Id.* Thus, Brickyard requested two specific expansions and the County granted those two expansions.

Indeed, Brickyard agreed at the time with this understanding of what the Siting Approval approved. In a permit application shortly after receiving the approval, Brickyard declared:

Certification of siting approval was received from the Vermilion County Board on February 11, 1992 for expansion of the landfill. The application [sic] approved a vertical expansion of Unit 1 and Unit 2 and a lateral expansion into the area located in the approximate North East portion of Unit 2.

Permit Log No. 1992-188-SP, R. at 00051. It should therefore be beyond reasoned dispute that the Siting Approval approved two volumetric expansions on top of and to the side of the then-existing landfill, respectively, and provided no approval for waste disposal in any other portion of the site.

**B. Zone A Extends Beyond the Approved Expansions**

Of the two expansions approved in the Siting Approval, only the vertical expansion intersects with Zone A. That expansion raised the maximum height of the landfill from 675' MSL to 715' MSL. Essentially, it was a 40-foot band between 675' MSL and 715' MSL (subject to the contours of the final mound) within which the Siting Approval sanctioned waste disposal.

The importance of the 40' band can be seen in *Figure B, supra* p. 5. Any waste disposal above the dashed line indicating 675' MSL is within the band, and thus approved for waste disposal by the Siting Approval. Any waste disposal below the 675' MSL line is outside of the band, and thus not approved for waste disposal by the Siting Approval. Equally evident from *Figure B* is that a portion of Zone A is above the 675' MSL line and a sizeable portion is below. It follows that the portion of Zone A above 675' MSL (within the 40' band) was approved for waste disposal by the Siting Approval, while the large portion of Zone A extending below 675' MSL was not. A material portion of Zone A is therefore outside of the waste-disposal area approved by the Siting Approval. The Siting Approval is by itself then insufficient to prove that Brickyard has received siting approval for the entirety of Zone A.

**C. Brickyard Needs Siting Approval Not in the Record**

To prove prior approval to dispose of municipal solid waste in all of Zone A, Brickyard must rely on more than just the Siting Approval. It cannot rest on an Agency permit for waste disposal below 675' MSL to suggest Zone A has, or does not now need, siting approval. The Act requires Brickyard to provide proof that all of its expansion has received siting approval from the appropriate local siting authority. The Act also requires Brickyard to show on appeal that complete proof is contained in the record. Because Brickyard did not submit siting approval providing approval for the lower portion of Zone A,

the record does not contain proof of complete approval. Even if such proof were to exist, Brickyard may not unearth it for the first time on appeal.

Issuance of a permit without proof of complete siting approval for all of an expansion would violate Section 39(c). In the absence of proof in the record of complete siting approval, Brickyard needs evidence it cannot produce on appeal in order to prevail. Brickyard thus cannot prove an element of its case. No genuine issue can exist regarding the material fact that the vertical expansion approved by the Siting Approval was for municipal solid waste disposal above 675' MSL, and that a material part of Zone A is below that line. The Agency is therefore entitled to summary judgment.

### **CONCLUSION**

Although the history of this appeal spans many decades and thousands of pages, the material facts are simple. Brickyard seeks to increase the volumetric capacity of its landfill in Vermilion County by placing municipal solid waste in an area not currently permitted for waste disposal (and expressly permitted to be waste-free). In doing so, Brickyard has not sought or received siting approval from Vermilion County for its proposed expansion. Instead, Brickyard submitted to the Agency a permit application containing prior siting approval that is invalid and incomplete.

Established case law from the Illinois Supreme Court, lower courts, and the Board all holds that a permit cannot be issued here. Brickyard's proposal is an expansion beyond its currently permitted boundaries, and thus a

new pollution control facility. As a new pollution control facility, Brickyard must provide the Agency with proof of local siting approval. Because the expansion is volumetric, Brickyard must seek new approval from Vermilion County; it cannot rely on prior siting approval from a previous expansion. Even if it could rest on prior approval, the single approval submitted is invalid as a matter of law. That approval further does not provide siting approval for all of the entire proposed expansion. Brickyard has therefore failed to provide the Agency with the proof the Act requires.

Without proof of current siting approval (or sufficient prior approval), Brickyard cannot carry its burden on appeal. The material facts underlying this conclusion are not susceptible to genuine disagreement. The Agency is therefore entitled to summary judgment as a matter of law.

Respondent, the Illinois Environmental Protection Agency, requests the Board enter a final order granting summary judgment against Petitioner, Brickyard Disposal & Recycling, Inc., and in favor of the Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ David G. Samuels  
DAVID G. SAMUELS  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031  
dsamuels@atg.state.il.us  
ebs@atg.state.il.us

Dated: August 24, 2016

# APPENDIX

(Record cites in numerical order)

01108001521

Introduction

Certification of siting approval was received from the Vermilion County Board on February 11, 1992 for expansion of the landfill. The application approved a vertical expansion of Unit 1 and Unit 2 and a lateral expansion into the area located in the approximate North East portion of Unit 2. The completed Certificate of Siting Approval is provided in Attachment 1.

At this time, it is desirable to provide further information and details regarding these modifications to the Illinois Environmental Protection Agency (IEPA) in the form of a Supplemental Permit Application. The currently permitted sanitary landfill operation on Unit 1 will be modified to accommodate the expansion design. The design incorporates improvements to the landfill resulting in greater environmental security for Unit 1. It is expected this modification will extend the immediately usable site life of Unit 1 by approximately 14 months. Unit 2 has considerable site life available due to its size, approximately 109 acres. Additional site life will be acquired by Unit 1 when the inactive fill face between Units 1 and 2 can be finalized.

Method of Development

Due to the installation of a leachate collection system on the expansion area of Unit 1, positive drainage to the leachate collector piping will be accomplished by recontouring the upper surface of the landform to provide a minimum slope of approximately 3%. Supplemental filling and grading will be required to eliminate various depressions and projections which currently exist. A compacted clay liner, two feet in thickness, is to be installed over the prepared surface. This separation layer will serve as an effective barrier to the infiltration of fluid into the existing landfill. Where the leachate collector line and manhole is located, clay thickness will be increased to 36 inches minimum.



State of Illinois  
**ENVIRONMENTAL PROTECTION AGENCY**

Pink

Mary A. Gade, Director *2250 054790* 2200 Churchill Road, Springfield, IL 62794-9276

217/524-3300

May 4, 1995

Brickyard Disposal & Recycling, Inc.  
1940 East Fairchild  
Danville, Illinois 61832

**RELEASABLE**

JAN 19 2007

Re: 1838040029 -- Vermilion County  
Brickyard Disposal & Recycling/Unit I and II  
(Unit I, Unit II, Unit II Phase IA)  
Permit No. 1994-419-LFM  
Log No. 1994-419  
Permit File

**REVIEWER MD**

Issue Date: May 4, 1995  
Expiration Date: May 4, 2000

Gentlemen:

Permit is hereby granted to Trust Number 3087 as owner and Brickyard Disposal & Recycling, Inc. as operator to allow construction and establish the procedures for operation of a municipal and non-hazardous special waste landfill all in accordance with the plans prepared by Patrick Engineering, Inc.

This permit approves the significant modification of the development and operation of Units I and II and supercedes and replaces Permit 1994-057-LF development and operation standards and requirements for Unit II Phase IA. Unit I development and operation shall be in compliance with the applicable requirements of 35 Ill. Adm. Code 811 and 812, pursuant to 35 Ill. Adm. Code 814.104, 814.401 and 814.402. Unit II development and operation shall be in compliance with the applicable requirements of 35 Ill. Adm. Code 811 through 813 and 35 Ill. Adm. Code 814, Subpart C. This landfill has a footprint area of approximately 152 acres within the 293 acre site, will have a final peak elevation of 716.0 feet above mean sea level (MSL) and all waste placement in Unit II shall be above elevation 530.0 MSL. The remaining capacity of Unit I is estimated at 350,000 airspace cubic yards. Unit II has approximately 14.2 million airspace cubic yards capacity.

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency, Bureau of Land by the permit number(s) and log number(s) designated in the heading above. The application approved by this permit consists of the application and supporting documents received September 9, 1994, Addendum I received January 27, 1995 and Addendum II received March 27, 1995.

Pursuant to Section 39(a) of the Illinois Environmental Protection Act (Act) and 35 Ill. Adm. Code 813.104(b), this permit is issued subject to the applicable development, operating and reporting requirements for non-hazardous waste landfills in 35 Ill. Adm. Code, Part 811 through 814 to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions. In case of conflict between the application and plans submitted and these conditions, the conditions of this permit shall govern.

Page 20

facility modification results in an increase of the cost estimate. The operator shall either certify that closure and post-closure care plans are consistent with current operations or shall file an application incorporating new plans pursuant to 35 Ill. Adm. Code, 813. The owner or operator shall adjust the cost estimates of closure and post-closure care on an annual basis during the design period. The owner or operator shall provide financial assurance to the Agency utilizing one or more of the mechanisms listed in 35 Ill. Adm. Code 811.706(a). The owner or operator shall provide continuous coverage until the owner or operator is released from the financial assurance requirements pursuant to 35 Ill. Adm. Code 813.403(b) or 35 Ill. Adm. Code 811.326.

#### XI. Other Special Conditions

1. The Agency shall revise any permit issued by it to make the permit compatible with any relevant new regulations adopted by the Board.
2. Pursuant to 35 Ill. Adm. Code, 813.201(a), any modifications to this permit shall be proposed in the form of a permit application and submitted to the Agency.
3. This Agency reserves the right to require installation of additional monitoring devices, to alter the selection of parameters to be analyzed, to modify the method of evaluating the monitoring results and to alter monitoring frequencies as may be necessary to fulfill the intent of the Act.
4. If changes occur which modify any of the information the Permittee has used in obtaining a permit for this facility, the Permittee shall notify the Agency. Such changes would include but not be limited to any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. The notification shall be submitted to the Agency within fifteen (15) days of the change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of its registered agent.
5. This permit is subject to review and modification by the Agency as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.
6. The owner or operator shall comply with any other applicable Federal rules, laws, regulations, or other requirements.

#### XII. Monitoring Programs

1. A separate berm shall be maintained between Unit I and Unit II which will allow independent groundwater monitoring. There are currently 12

Page 21

groundwater monitoring wells, 8 piezometers, and 3 leachate monitoring points for Unit I. Three of the existing groundwater monitoring wells, G21S, G21D, and G122 will be removed during Unit II development. Four additional nested wells, G233S/D through G236 S/D will be installed during Unit II development. Unit II will be monitored with 33 groundwater monitoring wells, 35 piezometers, and 7 leachate monitoring points. The monitoring program for Unit II includes phasing the installation and abandonment of monitoring wells and piezometers.

2. Piezometers shall be installed in the locations shown in Exhibit 1 dated June 6, 1994 of Log No. 1994-419, monitored and operated in accordance with the groundwater monitoring requirements in Section XII of this permit and the plans submitted and approved.

## UNIT I

A. GROUNDWATER MONITORING

1. The groundwater monitoring program must be capable of determining background groundwater quality hydraulically upgradient of and unaffected by the units and to detect, from all potential sources of discharge, any releases to groundwater within the facility. This Agency reserves the right to require installation of additional monitoring wells as may be necessary to satisfy the requirements of this permit.
2. All groundwater monitoring wells shall be constructed and maintained in accordance with the requirements of 35 Ill. Adm. Code, 811.318(d) and designs approved by the Agency. All wells added to the groundwater monitoring program pursuant to this permit shall be constructed of stainless steel within the saturated zone or similar inert material pre-approved by the Agency.
3. Within 60 days of installation of any groundwater monitoring well, boring logs compiled by a qualified geologist, well development data and as-built diagrams shall be submitted to the Agency utilizing the enclosed "Well Completion Report" form. For each well installed pursuant to this permit, one form must be completed.
4. Groundwater monitoring wells shall be easily visible, labelled with their Agency monitoring point designations and fitted with padlocked protective covers.
5. In the event that any well becomes consistently dry or unserviceable and therefore requires replacement, a replacement well shall be installed within ten (10) feet of the existing well. The Agency shall be notified in writing at least 15 days prior to the installation of all replacement wells. A replacement well that is more than ten feet from the existing well or which does not monitor the same geologic zone is considered to be a new well and must be approved via a significant modification permit.



Transportation  
Infrastructure  
Environmental  
Planning  
Architecture  
Engineering  
Surveying

January 27, 1995

**DELIVERED BY HAND**

Mr. Edwin C. Bakowski, P.E.  
Illinois Environmental Protection Agency  
Bureau of Land - Division of Land Pollution Control  
Permit Section #33  
2200 Churchill Road, P.O. Box 19276  
Springfield, IL 62794-9276

Subject: Brickyard Disposal & Recycling Facility (IEPA Site # 1838040029)  
Permit Log No. 1994-419  
Addendum to Significant Modification Application

**RECEIVED**  
**JAN 27 1995**  
IEPA  
**PERMIT SECTION**

Dear Mr. Bakowski:

On behalf of our client, Brickyard Disposal & Recycling, Inc., we hereby submit an addendum to the Application for Significant Modification filed on September 9, 1994 (Permit Log No. 1994-419). This addendum has been developed to address the concerns raised during a December 7, 1994 meeting with your staff. A copy of the December 7, 1994 conference memorandum is included in Attachment 1.

In addition, we hereby extend the review period by 60 days as requested. The new decision date is Friday April 7, 1995.

To aid your review of the addendum, the specific concerns raised in the December 7, 1994 meeting are identified and responded to below. This Addendum is intended to supplement or replace previous sections of the Application for Significant Modification as designed below. A revised Table of Contents for the Application for Significant Modification is provided in Attachment 2.

1. Zone 'A' Details - As previously discussed in the December 7, 1994 meeting and as discussed on Page 3-29 of the permit application, a minimum 50-foot horizontal separation zone, or Zone 'A', will be developed concurrently with Unit 2, Phase 2. The final cover above Unit 2 and Zone 'A' will include a synthetic cover and will tie into the Unit 1 final cover. To minimize any potential migration between the two landfill units, a low permeability clay side liner will be constructed as the filling progresses in Unit 2. Attachment 5 of this addendum contains Drawing D21 which shows details for the development of Zone 'A'. This drawing along with the revised cover sheet should be added to the previous Design Drawings submitted in the Application for Significant Modification.



Transportation  
Infrastructure  
Environmental  
Planning  
Architecture  
Engineering  
Surveying

September 9, 1993

**DELIVERED BY HAND**

Mr. Edwin C. Bakowski, P.E.  
Illinois Environmental Protection Agency  
Bureau of Land - Division of Land Pollution Control  
Permit Section #33  
2200 Churchill Road, P.O. Box 19276  
Springfield, IL 62794-9276

Subject: Application for Significant Modification  
Brickyard Disposal & Recycling Inc. (IEPA Site # 1838040029)

Dear Mr. Bakowski:

Patrick Engineering Inc. is submitting this Application for Significant Modification for the Brickyard Disposal & Recycling Facility, in accordance with 35 Ill Admin Code, Part 814, Subpart C and Subpart D. Included with this letter are one original and 3 copies of the permit application.

The application contains 4 volumes, consisting of the engineering report and appendices. Also included in the application are full sized sets of 20 design drawings and 21 geological exhibits. Reduced copies of these are also contained in Volume 1.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

**PATRICK ENGINEERING INC.**

Devin A. Moose, P.E.  
Vice President  
Environmental Permitting and Planning

DAM/ejd

**RECEIVED**  
SEP 9 - 1994  
PERMIT SECTION

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**Proposed Improvements.** The following is a summary of several design improvements proposed for the subject facility, the following improvements to the existing design are proposed in order to: 1) comply with 35 Ill. Admin. Code, Part 814, 2) improve the environmental safeguards, and 3) enhance the overall operational efficiency of the site. Due to the ardent need for disposal capacity, Cells 1 and 2 of Unit 2 will be constructed as permitted by Permit No. 1993-057-LF. The following improvements are proposed for the remainder of Unit 2. The Design Report and Drawings detail the proposed improvements.

✱

1. **Isolation of Units 1 and 2.** In order for Unit 1 to close as a separate unit under Part 814, Subpart D, it must be demonstrated that the waste between Unit 1 and Unit 2 is not contiguous. This will be accomplished by leaving a berm below grade and by placing a wedge of earth fill above grade between the two units. The horizontal separation provides a definitive boundary between the units and will allow Unit 1 to close under Part 814, Subpart D by September 18, 1997, and Unit 2 to close under Part 814, Subpart C.

The above grade wedge will consist of clean fill material and therefore will not be available for municipal solid waste disposal. Approximately 900,000 cubic yards of airspace utilized by the wedge of fill will be compensated for by lowering the landfill basegrades and reducing the thickness of final cover. Lowering the basegrades will result in environmental improvements to the containment system by developing an inward gradient facility. No net increase in airspace capacity will be gained beyond the permitted capacity (see calculations contained in Appendix R).

2. **Unit 2 Liner System.** The liner to be constructed in Unit 2, Cells 3 through 7 and Phase 2 consists of the following (in descending order):
  - 12-inch leachate collection blanket.
  - 60 mil HPDE geomembrane.

sufficient to maintain the proposed "open space" final use of the area. The final protective layer shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer. The final protective layer will function to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer.

A geonet or equivalent drainage layer may be placed above the geomembrane cover to prevent the mounding of any stormwater infiltration in the protective cover. This layer will be tied into the stormwater management system. The stormwater from this layer will be negligible compared to the runoff from the remainder of the 293 acre site. Drawing No. D10 shows how the final cover will tie into the containment and stormwater management systems.

Loams of the USDA soils classification system or Unified Soils Classification System types GM, GC, SM, SC ML and CL are all considered suitable protective soils. The protective (vegetative) soil layer may include soils from on-site and/or off-site sources and compost. The Construction Quality Assurance Program in Chapter 5 identifies the sampling program and procedures to identify suitable fill materials. Other products besides compost (such as sewage treatment sludge) may be used as soils amendment if all necessary permits/authorization are secured.

Zone 'A'. The above grade area between Units 1 and 2 as shown on cross sections on Drawings Nos. D17 and D18 is identified as Zone 'A'. Zone 'A' will be maintained as a separation area between Units 1 and 2. This area will be filled with clean inert material and other materials approved by the IEPA. This area will not be filled with municipal solid waste. The Zone 'A' area will be filled in conjunction with waste filling procedures in Unit 2 Phase 2 as landfilling activities reach final permitted grades. The Zone 'A' area will have a final cover equivalent to that of the final cover in Unit 2. Final cover placed on Units 1 and 2 will act as a liner in Zone 'A' preventing the migration of leachate from one unit to the other.

Final Slope and Stabilization. The final slopes are designed and are to be constructed to a grade capable of supporting vegetation in order to minimize erosion. The final landfill

Waste Volume. The total airspace permitted for waste disposal in Unit 2 is approximately 14 million cubic yards. Appendix S contains the 1994 solid waste landfill capacity certification.

In order for Unit 1 to close as a separate unit under 35 Ill. Admin. Code Part 814, Subpart D, it must be demonstrated that the waste between Unit 1 and Unit 2 is not contiguous. This will be accomplished by leaving a berm below grade and by placing a 'Zone A' fill above grade between the two units. The horizontal separation provides a definitive boundary between the units and will allow Unit 1 to close under Part 814, Subpart D by September 18, 1997, and Unit 2 to close under Part 814, Subpart C.

The 'Zone A' fill will consist of clean fill material and therefore will not be available for municipal solid waste disposal. Approximately 900,000 cubic yards of airspace utilized by the wedge of fill will be compensated for by lowering the landfill base grades, modifying the excavation slopes, and reducing the thickness of the final cover. Lowering the base grades will result in environmental improvements to the containment system by developing an inward gradient facility. No net increase in airspace capacity will be gained beyond the permitted capacity, Table 3-4 identifies the adjustments in permitted capacity. Supporting calculations are provided in Appendix R.

<b>TABLE 3-4 WASTE CAPACITY ADJUSTMENTS</b>		
<b>Description</b>		<b>Approximate Volume in Airspace Cubic Yards</b>
<b>Capacity Decrease in Zone 'A'</b>	<b>-900,000</b>	
<b>Total Decrease</b>		<b>-900,000</b>
<b>Liner Grade Modifications (Cells 3 through 7 and Phase 2)</b>	<b>+657,000</b>	
<b>West Slope</b>		
<b>Final Cover Modification</b>	<b>+230,000</b>	
<b>Total Increase</b>		<b>+887,000</b>
<b>Net Change</b>		<b>-13,000</b>

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Illinois Environmental Protection Agency

2200 Churchill Road, Springfield, IL 62706

1987-024  
217/762-6762

Refer to: 1800040009 -- Vermilion County  
 H & L Landfill #3  
 Permit No. 1981-24-DE  
 Supplemental Permit No. 1987-024-SP  
 Log No. 1987-024  
 Permit File

April 27, 1987

H & L Disposal Corporation  
 Attn: Louis Nervis, President  
 Post Office Box 513  
 Danville, Illinois 61832

First National Bank of Danville  
 Trust No. 3007, Louis Nervis  
 15 West Main  
 Danville, Illinois 61832

Gentlemen:

Supplemental permit is hereby granted to Louis Nervis, President of H & L Disposal Corporation (operator) to modify the development of H & L Landfill #3 (H & L #3) all in accordance with the plans prepared by C.E. Clark, P.E.. Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency, Division of Land Pollution Control by the permit number(s) and log number(s) designated in the heading above.

Specifically, this supplemental permit modifies the original development permit, 1981-24-DE, by:

1. Dividing H & L Landfill #3 into two (2) units with Unit 1 consisting of the southern portion of the facility and Unit 2 constituting the northern portion, as shown on Plan Sheet 1, dated December 15, 1987, of this application.
2. Renaming and reallocating of subdivisions within the landfill (i.e., Areas 1-B, 1-C and 1-D of Unit 1 and 2-A, 2-B and 2-C of Unit 2, shall replace Areas I-B, II-A, II-B, II-C, III-A, III-B, IV, V and the Wet Weather Area designated in Permit No. 1981-24-DE.)
3. Changing the development/operating sequence of the landfill's subdivisions. The newly designated subdivisions shall be developed in the following order: 1-B, 1-C, 1-D, 2-A, 2-B and finally 2-C.
4. Changing the liner requirements, in that the sidewalls of Areas 1-B, 1-C and 1-D shall now include a "lateral liner" of recompacted clay with minimum thickness of 10 feet and the coal seam exposed in the trench bottom between 1-B and 1-C shall be sealed with recompacted clay as described on Page 5 (and Plan Sheets 3 and 4) of this application.



# Environmental Protection Agency

2200 Churchill Road, Springfield, Illinois 62706

*pink*

217/782-6760

Refer to: Vermilion County - Danville/H & L #3  
Permit No. 1981-24-DE

June 1, 1981

H & L Disposal Corporation  
P. O. Box 515  
Danville, IL 61832

First National Bank of Danville  
Trust No. 3087, Louis Mervis  
15 West Main  
Danville, IL 61832

Gentlemen:

Permit is hereby granted to H & L Disposal Corporation and Louis Mervis to develop a solid waste disposal site consisting of 22 acres in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 15, T. 19 N., R. 11 W., 72 acres in the SE $\frac{1}{4}$  of Section 16, T. 19 N., R. 11 W., 156 acres in the NE $\frac{1}{4}$ , Section 21, T. 19 N., R. 11 W., and 43 acres in the NW $\frac{1}{4}$ , Section 22, T. 19 N., R. 11 W., 2nd P.M. to handle general refuse excluding special, liquid and hazardous wastes all in accordance with the application and plans prepared by Clark Engineering Service; said application consisting of 103 pages, dated February 23, 1981, and received by this Agency on March 3, 1981, said plans consisting of 7 pages, dated March 2, 1981, and received by this Agency on March 3, 1981.

The permit is issued subject to the standard conditions set forth on page 4, attached hereto and incorporated herein by reference, and further subject to the following special conditions:

1. An all weather surfaced access road shall be constructed to each active fill area (I-A-V).
2. Prior to any coal being removed from this facility, the applicant shall obtain all necessary state and federal mining permits.
3. All liners, berms and coal removal operations shall be completed at least 100 feet ahead of the active fill face. At least 100 feet free space shall be maintained between the active fill face and the excavation face.
4. The groundwater monitoring program for this facility is inadequate. The applicant must submit a revised monitoring program acceptable to this Agency prior to receiving an Operating Permit.



832 Langsdale Ave, Indianapolis, Indiana 46202  
o 317 921 1667 f 317 921 1665 republicservices.com

August 31, 2015

Illinois Environmental Protection Agency  
Permit Section  
Bureau of Land - #33  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Re: 1838040029 - Vermilion County  
Brickyard Disposal & Recycling  
Illinois EPA Permit No. 1994-419-LFM  
Application to Place Municipal Waste in Zone A of the Wedge Fill

Dear Mr. Nightingale:

On behalf of Brickyard Disposal & Recycling, submitted herein are an original and three copies of a significant modification application to place municipal waste in Zone A of the Wedge Fill, prepared by Andrews Engineering, Inc. The required Illinois EPA LPC-PA1 form is provided in Appendix A.

If you have any questions or need additional information, please contact me at (317) 917-7337 or Dipanjan Ghosh of Andrews Engineering at (217) 787-2334. Thank you.

Sincerely,

REPUBLIC SERVICES, INC.

A handwritten signature in cursive script that reads "William Paraskevas".

Bill Paraskevas  
Environmental Manager

cc: Eric Ballenger - Republic Services, Inc. (email)  
Bill Paraskevas - Republic Services, Inc. (email)  
Ken Samet - Brickyard Disposal & Recycling (hard copy and email)  
Brad Hunsberger - Andrews Engineering (email)  
Dipanjan Ghosh - Andrews Engineering (email)

IEPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE  
DEC 11 2015  
REVIEWER: MJK

**Brickyard Disposal & Recycling  
Vermilion County, Illinois**

**Illinois EPA Site Number: 1838040029**

**Application for  
Significant Modification to Permit  
to Place Municipal Waste in  
Zone A of the Wedge Fill**

**August 2015**



*Submitted to:*  
Illinois Environmental Protection Agency  
Bureau of Land  
Springfield, Illinois

*Prepared for:*  
Brickyard Disposal & Recycling, Inc.  
601 East Brickyard Road  
Danville, Illinois

IEPA DIVISION OF RECORDS MANAGEMENT  
RELEASABLE  
DEC 11 2015

REVIEWER: MJK



*Prepared by:*

**ANDREWS  
ENGINEERING, INC.**

3300 Ginger Creek Drive  
Springfield, Illinois 62711  
Tel: (217) 787-2334; Fax: (217) 787-9495

## TABLE OF CONTENTS

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<b>1. INTRODUCTION</b> .....	<b>1</b>
1.1 Unit 1.....	1
1.2 Unit 2.....	1
<b>2. SITING REVIEW</b> .....	<b>1</b>
<b>3. WEDGE DESIGN</b> .....	<b>3</b>
3.1 Separation Layer and Liner System.....	3
3.2 Leachate Collection System .....	3
3.3 Slope Stability.....	4
3.4 Mass Stability .....	4
3.4.1 Mine Void (Cell 6).....	4
3.4.2 Unit 1 Waste Settlement.....	4
3.5 Surface Water Drainage .....	5
3.6 Gas Collection .....	5
<b>4. WASTE CAPACITY</b> .....	<b>5</b>
<b>5. GROUNDWATER MONITORING</b> .....	<b>5</b>
5.1 Facility Hydrogeology .....	6
5.2 Unit 1 Monitor Well Network .....	7
5.3 Unit 2 Monitor Well Network .....	8
<b>6. GROUNDWATER IMPACT ASSESSMENT</b> .....	<b>8</b>
<b>7. SITE DEVELOPMENT</b> .....	<b>9</b>

## APPENDICES

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Appendix A Application Forms
Appendix B Permit No. 1994-419-LFM Drawings
Appendix C Application Log No. 1999-001 (Drawing No. 4)
Appendix D Original Siting Drawings
Appendix E Wedge Fill Design Drawings
Appendix F Design Calculations
Appendix G Foundation and Mass Stability Analysis
Appendix H Potentiometric Surface Map
Appendix I GIA Scenarios

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DEC 11 2015  
REVIEWER: MJK

## 1. INTRODUCTION

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This application for significant modification to permit proposes to place municipal solid waste in Zone A of the wedge fill to create one homogeneous waste disposal unit in lieu of the current permitted fill for Zone A, which consists of clean inert material such as soil and clean construction or demolition debris. The LPC-PA1 application form is provided in Appendix A.

### 1.1 Unit 1

Unit 1, the south unit, consists of approximately 56 acres that was initially permitted via Permit No. 1972-20-DE/OP. The unit was subsequently modified with the issuance of supplemental permits and ceased accepting waste by 1997. Unit 1 closed pursuant to 35 Ill. Adm. Code 814, Subpart D and contains final cover.

### 1.2 Unit 2

Unit 2, the north unit, was initially authorized pursuant to Permit No. 1981-124-DE, although development and disposal activities did not occur until the issuance of Permit No. 1993-057-LF April 14, 1994. The subject permit was specific to Cells 1 through 3, which are located in the eastern portion of Unit 2 and encompass approximately 25 acres.

After operating authorization for 3.6 acres in Cell 1 of Unit 2 was approved (Log No. 1994-505), Permit No. 1994-419-LFM, issued May 4, 1995, approved the significant modification of the development and operation of Units 1 and 2 and superseded and replaced Permit No. 1993-057-LF. As part of the permitting process, Units 1 and 2 remained physically separated. The wedge area, as referenced throughout this application, includes Zone A and Unit 2, Phase 2. Appendix B contains relevant drawings from Permit No. 1994-419-LFM that illustrate the original wedge design. Development of Unit 2 Cells 3 through 7 was further modified by Application Log No. 1999-001 (Modification No. 19) by raising the liner grade to meet the Phase 1 design grades. A cross section contained in Application Log No. 1999-001 (Drawing No. 4) delineates the varying units. The subject cross section is provided in Appendix C. Unit 2 is comprised of seven cells encompassing approximately 96 acres. Disposal activities are currently occurring in Cell 6.

## 2. SITING REVIEW

---

On September 18, 1991, H/L Disposal Co, (dba Brickyard Road Disposal and Recycling), requested a site approval for a regional pollution control facility, consisting of a lateral and vertical expansion of the permitted landfill boundaries as defined in Drawings Nos. 89-115-1 through 89-115-8 of the application. Approval was granted February 11, 1992. The Vermilion County's siting resolution contained only two conditions:

- 2(A) *The expansion area shall be as shown on the attached drawings, which are incorporated herein by reference, and*
- 2(B) *All leachate from within the expansion areas approved by this resolution shall be collected and disposed of through the leachate collection system designed for the expansion area, as required by the rules and regulations promulgated by the Illinois Pollution Control Board. This condition is not intended to impose any technical or design standards other than those applicable to new sanitary landfills.*

The siting application showed the expansion as one landform, combining the existing waste unit (Unit 1) with the area remaining to be developed and filled (Unit 2). The landform was shown on Drawing No. 89-115-3 (Final Site Conditions) and conceptually illustrated in two cross sections (Drawing Nos. 89-115-4 and 89-115-5). Volume calculations (airspace) were not derived as part of the siting application nor referenced in the Vermillion County siting resolution. Unit 2 cell Invert elevations were not specified in the siting application but were addressed in the "Note" contained on Drawing No. 89-115-2, which stated, "Invert elevations to be determined from data gathered by 35 Illinois Administrative Code (Ill. Adm. Code) 811.315-317 hydrogeologic investigation." Therefore, there was no volumetric restriction as part of the facility expansion. The siting drawings are located in Appendix D.

Unit 1 is an existing unit as defined in 35 Ill. Adm. Code Section 810.103. 35 Ill. Adm. Code Section 814.402(b) states that no new units shall be opened and an existing unit may not expand beyond the area included in a permit prior to the effective date of the rule. As an 814 Subpart D unit, Unit 1 had to cease waste acceptance by September 18, 1997. The operator complied with the applicable regulations. Filling operations began concurrently in Unit 2 with closure activities for Unit 1.

Unit 2 was designed and developed (to date) pursuant to 35 Ill. Adm. Code 814 Subpart C. At the time of the initial significant modification application, by definition, Unit 2 was a horizontal expansion. 35 Ill. Adm. Code 810.103 states a horizontal expansion "is any area where solid waste is placed for the first time directly upon the bottom liner of a unit, excluding side slopes..." The relevance of this is that no new bottom liner is being developed or proposed as part of the wedge redesign. Only the side slope on the south side of Unit 2 is being extended, and constitutes the separation layer between Unit 1 and 2.

The guidance presented in the Instructions for a Significant Modification Demonstrating Compliance with 35 Ill. Adm. Code, Subtitle G, Part 814, Subpart C (LPC-PA19) states:

*The area of landfill footprint constructed after the issuance of the significant modification must be designed to make transition to the new liner and leachate collection standards. That is, the unfilled areas will be required to meet the Part 811 design standard while fill area will be allowed the exemptions of Part 814 Subpart C. This transition will be reviewed on a case-by-case basis...*

The Unit 2 design has complied with all 35 Ill. Adm. Code Part 814, Subpart C regulations. The wedge redesign will also comply with all applicable regulations and, therefore, meet the letter of the aforementioned instructions. The leachate collection system conveys any appreciable liquids present on the separation liner to the Unit 2 leachate collection system. There is complete separation from Unit 1.

In addition to complete physical separation between Unit 1 and Zone A of the wedge fill, as discussed in Section 4, Units 1 and 2 also contain completely separate groundwater monitoring programs, including separate background wells and background concentrations/AGQSSs. Due to the local stratigraphy, groundwater flow characteristics, historical area activities, and differing designs of Units 1 and 2, the migration pathways are entirely different for each unit. The existing monitoring networks are designed such that potential discharge from either unit can be detected and the specific unit identified.

Based on the information provided above, Andrews Engineering, Inc. believes there are no regulatory restrictions prohibiting the redesign and placement of municipal solid waste in Zone A of the wedge area.

### **3. WEDGE DESIGN**

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The wedge design will not change the currently permitted final contours or modify the existing stormwater design and drainage system. The approved landform will remain as currently permitted. Design calculations for the wedge area are contained in Appendix E.

#### **3.1 Separation Layer and Liner System**

The separation layer and liner system will be constructed with the same materials and in the same manner as currently permitted at the facility (Chapter 3, Design Report, and Chapter 5, Construction Quality Assurance Program, approved by Permit No. 1994-419-LFM). A separation layer will overlie the north slope of Unit 1 and consist of (from the bottom up) two feet of compacted clay ( $1 \times 10^{-7}$  cm/sec max), 60-mil HDPE textured liner, a one-foot sand drainage layer ( $1 \times 10^{-3}$  cm/sec min) or a two-sided geotextile/geonet on the sideslope only with one foot of protective cover soil, and a 4-ounce/square yard geotextile placed over the sand drainage layer. The separation layer will be consistent with a geocomposite liner pursuant to 35 Ill. Adm. Code 811.306.

Prior to the separation layer placement on the north slope of Unit 1, the existing surface will be stripped of vegetation and graded as necessary to a maximum slope of 2.5H to 1V. Only minor grading of the existing surface is anticipated as the two-foot separation layer will be placed directly on top of the existing surface. Based on current aerial topography, this slope will be closer to 3H to 1V due to existing topography in Unit 1. The geocomposite liner will be installed beneath the entire wedge fill and will be connected to the final cover of Unit 1 and the sidewall liner of Unit 2 as shown in the construction drawings. This liner configuration is superior to the currently approved soil separation layer for Unit 1.

The liner system connecting Unit 2 to Unit 1 is the same as currently permitted and will be constructed in accordance with 35 Ill. Adm. Code 811.306.

#### **3.2 Leachate Collection System**

The leachate collection system for the wedge area will consist of a drainage layer and collection pipe (HDPE SDR11 smoothwall perforated piping) running from east to west as shown in Sheet No. D-03 contained in Appendix E. The slope of the liner and collection trench shall be such as to convey any liquid directly into the cleanouts for the Unit 2 cells. The Unit 2 cell cleanouts (non-perforated pipe) extend upslope to the south into the wedge area. The wedge area collection pipe (perforated) will tie directly into the cleanout pipes such that there is no increase in leachate head to the Unit 2 cells. The leachate will be conveyed inside the cleanout pipes to the applicable sumps where it will be removed via existing pumps. The leachate from the wedge area will not drain onto Unit 2 cell floors. Therefore, there will be no leachate head buildup in Unit 2 cells due to the wedge area. The leachate drainage and collection systems are an extension of the existing Unit 2 system approved pursuant to 35 Ill. Adm. Code 811.307 and 811.308 and in accordance with Chapter 3 – Design report of permit application Log No. 1994-419.

Leachate collection design documentation is provided in Appendix F. The HELP modeling documentation for the wedge fill area is located in Appendix F as part of the GIA review.

### **3.3 Slope Stability**

The slope stability of the anticipated changes to the wedge area has been evaluated. Given that there will be refuse bounding the wedge area to the south (existing Unit 1 with separation liner) and to the north (permitted Unit 2), there are no slope stability deficiencies in those vectors. The slope stability has also been evaluated in the east and west directions; these meet the original design of the landform and have been previously evaluated and permitted. As with previous studies, adequate factors of safety are maintained pursuant to 35 Ill. Adm. Code 811.304. Provided in Appendix G is a Foundation and Mass Stability Analysis for the wedge fill.

### **3.4 Mass Stability**

#### **3.4.1 Mine Void (Cell 6)**

Two mine slope shafts were encountered during the mass excavation of Cell 6D in preparation of cell construction activities in Unit 2 in October 2011. Both entrances were uncovered during earth excavation of the south wall of Cell 6D. Both shafts are equivalent in size and appear to converge on each other approximately 120 to 140 feet into the sideslope. The existence of both shafts was unknown prior to excavation activities in Unit 2 and did not appear on the 1992 Composite Mine Map (provided in Application No. 1994-419). Therefore, the purpose of these mine shafts are unknown, but may have been used to access one of the existing mines.

Geophysical and boring investigations were conducted in February/March 2012 to verify the extent of the mine voids and to determine if additional mine voids were present in an area that corresponds to the wedge fill area. Based upon the investigations, no other mine voids were identified. Therefore, as a remedial measure, the mine voids discovered during excavations in Cell 6D were filled with grout to seal the mine shafts and provide structural integrity. The subject investigations and proposed remedy were discussed in detail in Application Log No. 2012-154.

Given that the haul road existed over the mine shaft (about 60 feet of overburden), blasting occurred at this facility and heavy construction equipment has been in constant use around the mine voids, the mine voids, as identified above, exhibit an inherent amount of structural stability. It is probable that if these mine voids were not found in the construction excavation of Cell 6D, no structural instability would have occurred in the wedge area as a result. However, in order to prevent any structural collapse of the mine voids, the shafts were grouted in accordance with Permit Modification No. 89. Therefore, no subsidence is expected within the foundation of the wedge fill area.

#### **3.4.2 Unit 1 Waste Settlement**

Waste was last placed in Unit 1 in 1997 with a protective cover placed shortly thereafter. Since over 15 years have passed since waste and protective cover was last placed in Unit 1, only minor amounts of settlement are expected due to continuing waste degradation. The bulk of the settlement will have occurred prior to and shortly after final waste and cover soil placement.

Additional waste settlement along the north slope of Unit 1 will occur with the placement of soil due to loading. However, if waste is allowed to be placed in Zone A, less settlement will be expected since the density of the soil (140 pcf) is greater than the waste (80 pcf). Therefore,

predicted settlements on the north slope in Unit 1 will be less than the current permitted design if waste is placed in Zone A.

Differential settlement has been reviewed as part of the Foundation and Mass Stability Analysis (Appendix G). By constructing a separation layer utilizing two feet of compacted clay, a 60-mil geomembrane liner with an overlying granular or geocomposite drainage layer, differential settlements will not cause a failure to the separation layer.

### **3.5 Surface Water Drainage**

The final contours will not change from what is currently designed; therefore, the drainage design, perimeter ditching, and stormwater retention structures will remain as currently permitted.

### **3.6 Gas Collection**

Gas collection wells and appurtenances shall be installed as necessary to maintain adequate gas collection within the wedge area.

## **4. WASTE CAPACITY**

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The permitted liner grade design for Unit 2 (Phase 1, Phase 2 and the Zone A fill area) of the Brickyard Disposal and Recycling, Inc. landfill has been depicted on various plan sheets submitted as part of Application Log Nos. 1994-419 and 1999-001. This application proposes to amend the liner grades of the currently permitted Unit 2, Phase 1, Phase 2, and Zone A fill areas. Changes to the Unit 2, Phase 1 area will include the revision to the south slope of Cell 7 to allow for a continuous terrace running along the Unit 1/Unit 2 waste boundary. This liner grade change will result in a waste capacity loss of approximately 41,000 cubic yards.

Changes to the Unit 2, Phase 2, and Zone A fill area liner grades are primarily associated with the defined terrace extending along the Unit 1/Unit 2 waste boundary; however, more definitive 2-foot contours have also been utilized to identify the Phase 2 and Zone A fill area as opposed to the previous 10-foot contours. The Zone A fill area overlay liner location has been identified to clarify the boundaries of the waste units in relation to the waste filling activities. These liner grade changes combined with the inclusion of municipal solid waste placement in lieu of the clean inert material (clean construction/demolition material or soil) in the Zone A fill area results in a waste volume (airspace) of approximately 1,051,000 cubic yards.

The resultant total Unit 2 waste capacity of Brickyard Disposal and Recycling, Inc. Landfill will be 15,210,000 cubic yards as a result of this permit modification, as compared to an airspace of 14,200,000 cubic yards previously permitted for Unit 2 defined in Permit No. 1994-419-LFM. Calculations associated with the volume analysis have been documented in the Waste Volume analysis included in Appendix F.

## **5. GROUNDWATER MONITORING**

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Units 1 and 2 contain separate permitted monitor well networks, both consisting of individual upgradient wells and background/Applicable Groundwater Quality Standards. Based on the

facility stratigraphy and cell designs, each unit is also separately monitorable. The facility geology is described in the following section.

### **5.1 Facility Hydrogeology**

The near-surface materials include insitu soils and disturbed sediments in the form of mine spoil (both coal and shale), backfill material, and Pennsylvanian-aged bedrock. Mine spoil from the strip mine areas is a composite of the overburden material, including clay, sand and silt, shale/siltstone, and coal and underclay. The approximate western half of the facility has not been surface mined and contains in situ deposits. The following deposits are generally present in undisturbed areas:

1. **Upper Clay** – The Upper Clay consists of typically brown silty clay with isolated packets of silty or clayey sand. It is only present in the western portion of the site since surface mining and landfill development activities resulted in removal of the materials to the east.
2. **Glacial Sand** – The Glacial Sand demarks a transition between the upper and lower clay deposits. It is only present in the near west side of the property where no surface mining activities occurred. The sand deposit is not present hydraulically downgradient (east) to Unit 1.
3. **Lower Silty Clay** – The Lower Silty Clay consists of silty clay, clayey silt, silt and clay. It directly overlies Pennsylvanian shale in areas not removed due to surface mining activities. Where present, it is directly overlain by the waste unit.
4. **Upper Shale** – The Upper Shale is the uppermost bedrock deposit at the site and consists of the Anna Shale and occasionally the Brereton Limestone Member. This deposit is absent where surface mining occurred for coal.
5. **Coal and Underclay** – The coal unit beneath Unit 1 was identified as the Danville #7 Coal, which was both strip-mined and subsurface mined. The coal/voids, or spoil/bedrock interface, has been identified as the contaminant migration pathway for Unit 1. Potential solute migration from Unit 1 will be vertical to the coal seam/void, then laterally.
6. **Middle Shale** – The Middle Shale is the lower confining layer for the contaminant migration pathway for Unit 1. It essentially creates a vertical hydraulic barrier beneath the coal/mine void. Monitoring wells for Unit 1 do not extend below the upper few feet of the middle shale.

The cross section contained in Appendix C (Drawing No. 4) illustrates the stratigraphy beneath the facility. The Unit 1 invert is shown on spoil overlying the upper shale unit. However, in other locations the invert is located directly on the upper shale, and on the underclay or lower shale where strip mining occurred for coal. As such, the contaminant migration pathway for Unit 1 has been identified as the coal seam, the mine void where the coal has been removed via underground mining, or the spoil/bedrock interface where surface mining has occurred; the pathway is continuous beneath Unit 1. Groundwater subject to monitoring for Unit 1 occurs in the coal seam, mine voids, or on top of the shale underlying the mine spoil.

As illustrated in the Unit 1 potentiometric surface map contained in Appendix H, overall groundwater movement is from west to east. Due to mechanical disturbance of the bedrock surface east of Unit 1, the groundwater movement east of Unit 1 varies. Temporary wells (T109

through T116, including T118) were screened in an area that was previously strip mined for coal. Therefore, the screen intervals are at the bedrock/spoil interface. To the south and west of Unit 1, the thickness of the overburden increases, which ultimately limited the extent of surface mining. Typically, coal is present south and west of Unit 1 as indicated in the boring logs of wells T119 through T123, T104, R127, and G130, and at G133 and G134.

The aforementioned cross section (Appendix C) shows the Unit 2 invert to be located below the coal and middle shale and into the sandy siltstone. The uppermost aquifer for Unit 2 is the sandy siltstone. Under a hypothetical release, any contaminant migration would occur vertically through the liner system into the sandy siltstone and then horizontally with advective flow. The Unit 2 potentiometric surface map provided in Appendix H indicates groundwater movement in the sandy siltstone is from the south-southwest to the north-northeast.

Given the differences in stratigraphy beneath Units 1 and 2, and the differences in invert elevations, the monitoring well networks defined below are separate and distinguishable. The contaminant migration pathway for Unit 1 is not present beneath Unit 2. The uppermost aquifer for Unit 2 is present beneath the entire facility; however, Unit 1 is upgradient to unit 2 when considering the sandy siltstone.

## 5.2 Unit 1 Monitor Well Network

Unit 1 is located in an area of variable stratigraphy, both vertically and horizontally, due to historical mining activities at the site for both shale and coal. Subsequently, significant spatial variability of the groundwater quality exists within the Unit 1 wells. The most probable route of contaminant migration has been identified as the coal seam, the mine void where the coal has been removed via underground mining, or the spoil/bedrock interface where surface mining for coal has occurred. The pathway is continuous beneath Unit 1.

The Unit 1 monitor well network consists of 33 wells that are tested quarterly and/or semiannually. The majority of monitor wells identified below are screened across the coal seam/mine void, or the spoil/bedrock interface where surface mining has occurred. However, seven of the 33 (R106, R123, R132, G33S, T101, T103, and T104) wells are screened below the coal or spoil/bedrock interface in the shale deposit identified as the Middle Shale, and one well (R103) is screened in the Glacial Sand upgradient to Unit 1. The wells and sampling intervals are listed below:

### Routine/Annual Monitoring

R123	G34S	T112	T117	+T122
R124	G35S	T113	T118	+T123
G125	T109	T114	T119	
R127	T110	T115	T120	
G33S	T111	T116	+T121	

### Semiannual Monitoring

+R103	+G134	G131
+G130	R106	R132
+G133	A126	

+ Upgradient

**Remedial Monitoring (Semiannual)**

T101	R123	R127
T103	R124	
T104	G125	

The location of the Unit 1 monitor wells is provided in Appendix H.

The Unit 1 monitoring network will be modified pursuant to the Illinois Pollution Control Board Adjusted Standard AS14-3 and pending permit application Log No. 2015-311.

**5.3 Unit 2 Monitor Well Network**

The Unit 2 design extended to a minimum elevation of 532 feet above mean sea level. The cell liners were constructed directly on top of or in the sandy siltstone formation as shown in the cross section contained in Appendix C. Therefore, the uppermost aquifer or contaminant migration pathway is the sandy siltstone. This is in direct contrast to Unit 1. The subject cross section illustrates Unit 1 overlies spoil, the upper shale, and the coal seam (contaminant migration pathway for Unit 1). The coal seam is present beneath portions of Unit 1, or has been removed via underground or surface mining techniques. The monitored zones or contaminant migration pathways are distinct between Unit 1 and 2.

The Unit 2 monitor well network currently consists of 26 groundwater monitoring wells, including four upgradient wells (G107, G039, G040, G041), one compliance well (G117), and nineteen downgradient wells. The wells and sampling intervals are listed below:

**Routine**

R022	G045	G049
R023	G046	G33D
G037	G047	G34D
G044	G048	G35D

**Semiannual**

G031	+G041	G116	G120
G032	+G107	G117	G121
+G039	G114	G118	
+G040	G115	G119	

+ Upgradient

The location of the Unit 2 monitor wells is provided in Appendix H.

**6. GROUNDWATER IMPACT ASSESSMENT**

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The Groundwater Impact Assessment (GIA) originally addressed Cells 1 and 2 via the interim permit application (Log No. 1993-057). Subsequent permitting addressed the GIA with three modeled "cases." Case 1 refers to Cells 1 and 2, Case 2 refers to Cells 3 through 7, and Case 3 refers to Phase 2. Phase 2 is part of the wedge area. The GIA scenarios are shown on Figure 7-6 in Appendix I. The wedge area is comprised of Phase 2 and Zone A.

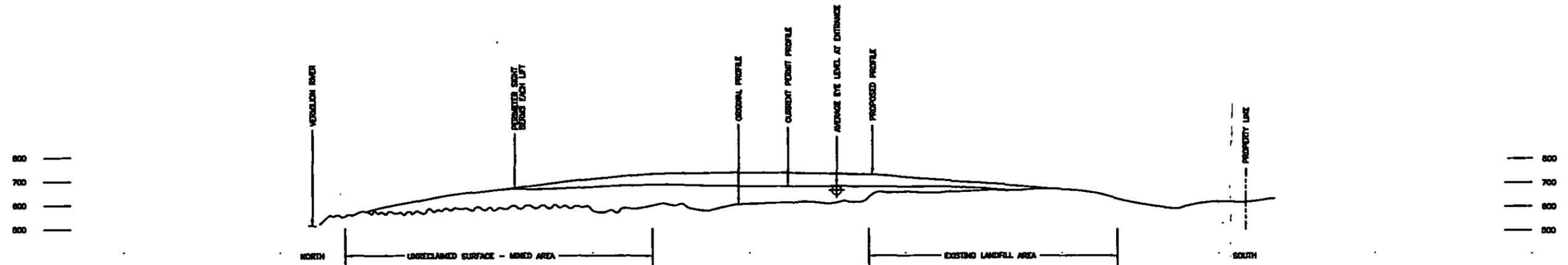
Each of the three case scenarios has been evaluated with respect to increasing the leachate head due to the addition of wedge area, specifically adding municipal solid waste to Zone A.

Based on the proposed liner design, any leachate that accumulates on the north slope of Unit 1 is directed to the leachate collection pipes/slope risers (See Drawing No. D-03 of Appendix E). The separation layer (liner) overlying the north slope of Unit 1 will be constructed at an approximate 2.5:1 slope. HELP modeling of the proposed liner design was conducted adjacent to Cell 7. This represented the longest run between collection pipes, representing a worst case scenario. The results from the HELP modeling showed no leachate head buildup on the slope. In addition, the Cell 7 slope riser was able to accept the additional leachate without increasing the level of leachate in the collection pipe/trench. The leachate head in Unit 2 cells were not affected by the addition of municipal solid waste to Zone A of the wedge. Therefore, revisions to the previously approved GIA are not necessary.

## **7. SITE DEVELOPMENT**

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The construction of Unit 2 cell development currently progresses from Cells 3 through 7 in consecutive order (last cell permitted for waste placement was Cell 6D, Log No. 2012-559 approved March 29, 2013). Upon approval of this application for the wedge fill, site development will progress from Cell 6D in Unit 2 to the Phase 1 and Phase 2 of the wedge fill area (Unit 2 Phase 2 and Zone A). Cell 7 of Unit 2 will be developed next with Phase 3 of the wedge fill area constructed last. This will allow for site development to occur incrementally, from the lowest end of the cell to the highest. Portions of each cell or phase may be developed separately (See Drawing No. D-04 of Appendix E).



TRUE PROFILE NORTH - SOUTH OF PROPOSED VERTICAL EXPANSION 675 - 715 MSL

- BENEFITS**
1. PROVIDES 10+ YEARS SERVICE CAPACITY TO THE COMMUNITY
  2. IMPROVES RUNOFF CHARACTERISTICS

H & L DISPOSAL COMPANY DANVILLE, ILLINOIS			
SCALE AS SHOWN	APPROVED BY	DESIGNED BY	DRAWN BY
DATE 7/91		DESIGNED BY JDA	
ANDREWS ENVIRONMENTAL ENGINEERING, INC. 2535 MAYFLOWER BOULEVARD SPRINGFIELD, ILLINOIS 62707 (317) 927-2254			DRAWING NUMBER
TRUE PROFILE NORTH-SOUTH OF PROPOSED VERTICAL EXPANSION			89-113-4

	<b>TITLE:</b>	Waste Volume	<b>Calc No.</b>	<b>Rev. No.</b>
	<b>Project:</b>	Brickyard D & R - Wedge Fill	<b>Date:</b> 8/21/2015	
	<b>Job No.:</b>	1989-115A	<b>Sheet 3 of 3</b>	
	<b>Prepared By:</b>	PMV	<b>Checked:</b>	DWM

**CONCLUSION:**

The total waste volume of the Brickyard Disposal and Recycling Landfill will be increased by approximately 1,010,000 yd<sup>3</sup> thereby providing a total Unit 2 waste volume of 15,210,000 yd<sup>3</sup> fill capacity as opposed to the currently permitted 14,200,000 yd<sup>3</sup> capacity. The documented estimated remaining life expectancy of Brickyard Disposal and Recycling Landfill is 16 years per the January 1, 2015 Annual Landfill Capacity Certification. With the addition of 1,010,000 yd<sup>3</sup> of waste capacity in the "Zone A" Fill Area the life expectancy of the landfill increases to approximately 21 years.

2015-421

Vermilion  
Champaign

DCU 18518



832 Langsdale Ave, Indianapolis, Indiana 46202  
o 317 921 1667 f 317 921 1665 republicservices.com

October 30, 2015

Illinois Environmental Protection Agency  
Permit Section  
Bureau of Land - #33  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Re: 1838040029 - Vermilion County  
Brickyard Disposal & Recycling  
Illinois EPA Permit No. 1994-419-LFM  
Additional Information for Application Log No. 2015-421

Dear Mr. Nightingale:

On behalf of Brickyard Disposal & Recycling, submitted herein are an original and three copies of additional information for Illinois Environmental Protection Agency (Illinois EPA) Application Log No. 2015-421, prepared by Andrews Engineering, Inc. This application requested a design change that would allow disposal of permitted wastes in the area between Unit 1 and Unit 2, identified as Zone A.

If you have any questions or need additional information, please contact me at (317) 917-7337 or Brad Hunsberger of Andrews Engineering at (217) 787-2334. Thank you.

Sincerely,

REPUBLIC SERVICES, INC.

William Paraskevas  
Environmental Manager

- cc: Eric Ballenger - Republic Services, Inc. (email)
- Todd Hamilton - Republic Services, Inc. (email)
- Ken Samet - Brickyard Disposal & Recycling (hard copy and email)
- Brad Hunsberger - Andrews Engineering (email)
- Dipanjan Ghosh - Andrews Engineering (email)

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OCT 30 2015  
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**Brickyard Disposal & Recycling  
Vermilion County, Illinois**

**Illinois EPA Site Number: 1838040029**

**Additional Information for  
Log No. 2015-421: Zone A Redesign**

**October 2015**



*Submitted to:*  
Illinois Environmental Protection Agency  
Bureau of Land  
Springfield, Illinois

*Prepared for:*  
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**TABLE OF CONTENTS**

---

1. INTRODUCTION ..... 1  
2. COMPLETENESS COMMENTS..... 1  
3. TECHNICAL DEFICIENCIES.....4  
4. CONCLUSIONS .....4

**EXHIBITS**

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- EXHIBIT A: Request for Site Approval for a Regional Pollution Control Facility (September 18, 1991)  
EXHIBIT B: Resolution for the Approval of the Siting Request for a Regional Pollution Control Facility (February 11, 1992)  
EXHIBIT C: LPC-PA8 – August 22, 1994  
EXHIBIT D: Log No. 1994-419 Review Notes  
EXHIBIT E: Revised LPC-PA16 Forms  
EXHIBIT F: Revised LPC-PA1  
EXHIBIT G: Revised Plan Drawings (Rolled and Separate)

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PERMIT SECTION

## 1. INTRODUCTION

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A permit modification application was submitted August 31, 2015 proposing a design change that would allow disposal of permitted wastes in the area between Unit 1 and Unit 2, identified as Zone A. On September 24, 2015, the Illinois Environmental Protection Agency (EPA) issued a notice of incompleteness containing two comments, which was received on September 28, 2015. The notice also included three draft technical deficiency comments. The following information addresses both the incompleteness and technical deficiencies, and is based partially on separate communication with Brett Bersche and Doug Van Nattan with respect to the issued comments.

## 2. COMPLETENESS COMMENTS

---

The specific comments are provided in bold font followed by the response in standard font.

- 1. The application did not include the Certification of Siting Approval form (LPC-PA8). The proposed landfill modification meets the definition of a "New Pollution Control Facility" pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act ("Act"), as it includes an area of expansion beyond the boundaries of a currently permitted pollution control facility. Therefore, the applicant must submit proof to the Agency that the location of the facility has been approved by the County Board, pursuant to Section 39(c) of the Act.**

### Background

The modification sought in the application is not a "New Pollution Control Facility" since these boundaries are part of the landfill design submitted to the Vermillion County Board and, as such, do not constitute an expansion. Moreover, the landfill was previously approved by the Illinois EPA in the very form (with the very contours) presented in this application. As stated in the August 31, 2015 application, the Request for Site Approval for a Regional Pollution Control Facility that was submitted September 18, 1991 to the Vermillion County Board, demonstrated the request for siting of a facility expansion as one landform, specifically by combining the existing waste unit (Unit 1) with the area remaining to be developed and filled (Unit 2). The landform was shown on Drawing No. 89-115-3 (Final Site Conditions) and illustrated in two cross sections (Drawing Nos. 89-115-4 and 89-115-5), which were provided in Appendix D of the application (Log No. 2015-421). The cross sections in the siting application clearly delineate, as intended and anticipated, that waste would be disposed under the entire landform, including the areas that are between Units 1 and 2. Volume calculations (airspace) were not derived as part of the siting application nor referenced in the Vermillion County siting resolution. Unit 2 cell invert elevations were not specified in the siting application but were addressed in the "Note" contained on Drawing No. 89-115-2, which stated, "*Invert elevations to be determined from data gathered by 35 Illinois Administrative Code (Ill. Adm. Code) 811.315-317 hydrogeologic investigation.*" Therefore, there was no volumetric restriction as part of the facility expansion. In recent discussion with Doug Van Nattan, it was recommended that a copy of the siting application be provided as an addendum for additional information. A copy of the Request for Site Approval for a Regional Pollution Control Facility (September 18, 1991) is provided in Exhibit A of this document. The Legal Description contained in the subject siting application does include the area between Units 1 and 2. The Resolution for the Approval of the Siting Request for a Regional Pollution Control Facility is provided in Exhibit B.

LPC-PA8

Following the approval of the siting application, a supplemental permit application (Log No. 1992-188) was submitted July 2, 1992 detailing the vertical expansion for both Units 1 and 2. Attachment 1 of the application contained Certification of Siting Approval (LPC-PA8) dated February 25, 1992, along with the Siting Resolution from Vermilion County. The application showed Units 1 and 2 to be contiguous in design, including connection of the Unit 1 leachate collection system with the Unit 2 system. The application was approved via Supplemental Permit No. 1992-188-SP, issued October 22, 1992, and reissued November 13, 1992 (containing a correction).

A significant modification application (Log No. 1993-057) pursuant to the new landfill regulations (35 Ill. Adm. Code Part 811-815) was submitted February 1, 1993, proposing the design and operation of Cells 1 through 3 of Unit 2. Attachment 1 of the application contained Certification of Siting Approval (LPC-PA8) along with the Siting Resolution from Vermilion County. Design cross sections showed Units 1 and 2 as contiguous. However, final design details, including Cells 4 through 7 and the area between the units, would follow in a separate significant modification application. The final contours depicting the landform provided in the Siting Application was proposed as Drawing A-6. The application was approved April 14, 1994 via Permit No. 1993-057-LF.

A significant modification application (Log No. 1994-419) was submitted September 9, 1994, proposing the design of Cells 4 through 7 of Unit 2, and of the remaining facility, including Zone A between Units 1 and 2. Appendix H of the application contained the original Certification of Siting Approval (LPC-PA8) along with the Siting Resolution from Vermilion County. Appendix C of the same application contained a LPC-PA8 form with a signature date of August 22, 1994, which has been included herein in Exhibit C. The final contours depicted in Sheet No. D6 (landform) were the same as provided in application Log No. 1993-057. The application was approved May 4, 1995.

The Illinois EPA review notes for application Log No. 1994-419, authored by Gary Cima of the Permit Section, stated the horizontal and vertical limits contained in the application were approved by the Vermilion County Board as documented in Appendix H. A copy of that section of the review notes is provided in Exhibit D.

Section 3.330(b)(2) of the Illinois Environmental Protection Act

Section 3.330(b) and (b)(2) state "A new pollution control facility is...the area of expansion beyond the boundary of a currently permitted pollution control facility; or...". Zone A of the facility is located between Units 1 and 2, which is within the legal description of the facility provided in the siting application and within the waste boundary approved by the siting application. The legal description of the facility contained in the siting application was included in the above referenced applications (Log Nos. 1992-188, 1993-057, and 1994-419) and approved accordingly. Construction and operation of Zone A for purposes of disposal of municipal solid waste and non-hazardous special waste, as permitted, does not constitute an expansion beyond the boundary of the facility. Accordingly, the proposed application does not constitute an expansion as defined in the Illinois Environmental Protection Act and is not properly denied by the Illinois EPA for lack of siting. The Illinois EPA can approve such a request to develop and dispose of municipal solid waste and special non-hazardous waste in Zone A via permit modification.

Section 39.2 of the Illinois Environmental Protection Act

As stated above, the Request for Site Approval for a Regional Pollution Control Facility was submitted September 18, 1991 and addressed the criteria pursuant to Section 39.2(a) of the Illinois Environmental Protection Act. The Vermilion County Board approved the request February 11, 1992 with the issuance of the Resolution (see Exhibit B). The design was shown to be a landform, which included the area referenced as Zone A. The landform is contained within the "facility" boundary, which was described by the legal description located within the siting request. The contents contained within the siting request (Exhibit A) and the resolution (Exhibit B) provide the proof that the area now referred to as Zone A is included in the facility approved by Vermilion County February 11, 1992. The technical review of application Log No. 2015-421 by the Illinois EPA can move forward.

- 2. The application does not include a new/updated Groundwater Impact Assessment (GIA). Pursuant to Part 811, Subpart C, Section 811.317(a)(1), the facility is required to submit to the Illinois EPA for review a GIA which adequately represents the facility redesign/expansion including minimum design standards for slope configuration, cover, liner, leachate drainage and collection system. In accordance with Section 811.317(c)(1), the facility is required to have an approved contaminant transport model that represents groundwater flow under the proposed expanded facility. Therefore, the applicant must submit a new revised GIA as part of a complete permit application for facility expansion.**

The design as presented in this application does not propose any new bottom liner. A separation layer will be constructed over the north slope of Unit 1. As shown in Sheet No. D-08 of the original application, the separation layer will tie-in with the sidewall liner to Unit 2. Details of the separation layer were discussed in Section 3 and provided in the design drawings contained in Appendix E, both of the application. Design specifications also included reference to the slope configuration, final cover, and leachate drainage and collection system.

The previous groundwater impact assessments contained in application Log Nos. 1993-057 and 1994-419 were reviewed with respect to the redesign of Zone A. It has been established that the redesign did not result in the expansion of the bottom liner. Therefore, the statement *"In accordance with Section 811.317(c)(1), the facility is required to have an approved contaminant transport model that represents groundwater flow under the proposed expanded facility. Therefore, the applicant must submit a new revised GIA as part of a complete permit application for facility expansion"* is not applicable to this application; there was no expansion to the facility. However, HELP modeling was conducted on the separation layer to evaluate potential affects to the leachate levels previously predicted in the Unit 2 cells. A detailed evaluation of the groundwater impact assessment scenarios including the HELP model simulations was provided in Appendix I of the application. The evaluation concluded that based on the HELP modeling results for the redesigned Zone A liner system, the filling of Zone A of the wedge with municipal solid waste and special (non-hazardous) waste, as anticipated at the time of siting and previous permitting, will require no changes in the permitted design and operation of the liner and leachate collection system for Unit 2. Additionally, there does not appear to be an adverse impact upon the original assumptions for the currently approved GIA for Unit 2. A new or revised GIA for the Zone A fill area or Unit 2 is not required by the Illinois Environmental Protection Act or Illinois Pollution Control Board regulations, and is not necessary.

### 3. TECHNICAL DEFICIENCIES

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The specific technical deficiencies are provided in bold font followed by the response in standard font.

- 1. The instruction for the LPC-PA16 form require that the project description be "clear and concise to the general public can understand". The terms "Zone A" and "Wedge Fill" are used in a manner such that the provided project description is not clear to the general public.**

The "Description of Project" contained on the LPC-PA16 forms read *"Proposal to place municipal solid waste in Zone A of the wedge fill to create one homogenous waste disposal unit in lieu of the current permitted fill for Zone A"*. Revised LPC-PA16 forms shall be sent with a new Description of Project stating "redesign of the area between existing Units 1 and 2 (also described as Zone A) to allow disposal of permitted wastes, connecting Units 1 and 2." Copies of the revised LPC-PA16 forms are contained in Exhibit E.

- 2. On the LPC-PA1 form, special waste was not identified as a type of waste accepted by the facility.**

A revised LPC-PA1 form is provided in Exhibit F identifying special (non-hazardous) as a type of waste that can be disposed of at the facility.

- 3. Plan drawings included in the application do not include a site coordinate grid system, and therefor are not properly benchmarked.**

The plan drawings contained in Appendix E of the application have been revised where applicable by adding the site coordinate grid system. For purposes of simplicity, a complete set has been included in Exhibit G.

### 4. CONCLUSIONS

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The facility was designed and sited to dispose of municipal solid waste and special non-hazardous wastes in the area between Units 1 and 2. The first permit application submitted subsequent to the subject siting (Log No. 1992-188) included the design where municipal solid waste and special (non-hazardous) wastes in Units 1 and 2 were contiguous. The application included the Certification of Siting Approval form (LPC-PA8) signed by Vermilion County representatives. The two following permit applications (Log Nos. 1992-057 and 1994-419) containing designs specifications for Unit 2 also provided the LPC-PA8 forms. At this time the Illinois EPA requested there be a separation between Units 1 and 2 for purposes of groundwater monitoring. This was not requested by the County. Accordingly, the landform design approved by the County is retained permanently; the Illinois EPA cannot now require further siting, as such is not consistent with the Illinois Environmental Protection Act. The Illinois EPA can permit the development and disposal of municipal solid waste and special non-hazardous waste in the areas between Units 1 and 2.

Section 3.330 (b)(2) is a specific reference to "facility". Zone A is located between Units 1 and 2, well within the facility boundary. Disposal activities occurring in Zone A will not be beyond the permitted boundary of the facility. As stated previously, the legal description of the facility boundary was provided in the siting request that was approved by the County. Developing and disposing of waste in Zone A will not constitute a "New Pollution Control Facility" pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act.

The Request for Site Approval for a Regional Pollution Control Facility submitted September 18, 1991 addressed the criteria pursuant to Section 39.2(a) of the Illinois Environmental Protection Act. The Vermilion County Board approved the request February 11, 1992 with the issuance of the Resolution. The design was shown to be a landform which included the area referenced as Zone A. The landform is contained within the "facility" boundary which was described by the legal description located within the siting request. The contents contained within the siting request and the resolution provide the proof that the area now referred to as Zone A is included in the facility approved by Vermilion County February 11, 1992.

The groundwater impact assessments approved via 1993-057-LF and 1994-419-LFM were reviewed in detail to with respect to the addition of Zone A. The design specifications incorporated for Zone A were discussed in detail with reference to the groundwater impact assessment in Appendix I of the application. The detailed evaluation included the HELP model simulations, which concluded the addition of municipal solid waste/special non-hazardous waste to Zone A will require no changes in the permitted design and operation of the liner and leachate collection system for Unit 2. The original assumptions for the currently approved GIA for Unit 2 would still be valid. A new or revised GIA for the Zone A fill area or Unit 2 is not necessary. In addition, it has been established that the redesign did not result in the expansion of the bottom liner. Therefore, the statement "In accordance with Section 811.317(c)(1), the facility is required to have an approved contaminant transport model that represents groundwater flow under the proposed expanded facility. Therefore, the applicant must submit a new revised GIA as part of a complete permit application for facility expansion" is not applicable to this application; there was no expansion to the facility.

Each of the three technical deficiencies referenced have been addressed accordingly. Based on the information provided above and included as exhibits, the application should be deemed completed and the technical review of the application can continue.

**REQUEST FOR SITE APPROVAL FOR A  
REGIONAL POLLUTION CONTROL FACILITY**

**H/L DISPOSAL CO.  
D/B/A  
BRICKYARD ROAD DISPOSAL AND RECYCLING**

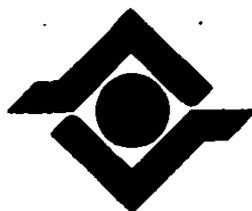
**Volumetric Expansion of a Landfill  
and Recycling Facility**

**PRESENTED TO:**

**The Vermilion County Board  
Danville, Vermilion County, Illinois**

**September, 1991**

**PREPARED BY:**



**ANDREWS ENVIRONMENTAL ENGINEERING INC.**  
3535 Mayflower Boulevard, Springfield, Illinois 62707/(217) 787-2334



ANDREWS ENVIRONMENTAL ENGINEERING INC. 3535 Mayflower Blvd. Springfield, Illinois 62707 / (217) 787-2334

September 18, 1991

Vermilion County Board  
Vermilion County Courthouse  
7 North Vermilion Street  
Danville, Illinois 61832

re: H/L Disposal Co. d/b/a/ Brickyard and  
Road Disposal and Recycling

Honorable Chairman and Members of the Vermilion County Board:

In accordance with the "Ordinance for the Approval of Pollution Control Facility Siting in Vermilion County, Illinois" (No. 87-61) we submit herewith the petition and ten (10) copies thereof of the Request for Site Approval for a Regional Pollution Control Facility. This petition is submitted on behalf of our client, H/L Disposal Co. d/b/a Brickyard Road Disposal and Recycling.

We respectfully request the Vermilion County Board to consider this request favorably and grant site approval.

Sincerely,

J. Douglas Andrews, P.E.,  
President

JDA:pil  
enclosures .

**Table of Contents**

	<b>Page No.</b>
<b>Executive Summary</b>	<b>i - vi</b>
<b>Request for Site Approval for a Regional Pollution Control Facility</b>	<b>1 - 8</b>
<b>Index to Attachments</b>	
<b>Attachment 1</b> <b>Available Disposal Capacity for Solid Waste in Illinois</b>	
<b>Attachment 2</b> <b>Municipal Waste Landfills in Vermilion County and the Immediate Surrounding Area - 1990</b>	
<b>Attachment 3</b> <b>Hydrogeologic Studies</b>	
<b>Attachment 4</b> <b>Development Plan and Conceptual Plans</b>	
<b>Attachment 5</b> <b>Cunningham, Inc. Study</b>	
<b>Attachment 6</b> <b>Flood Hazard Map</b>	
<b>Attachment 7</b> <b>Operating Plan</b>	
<b>Attachment 8</b> <b>Regulated Recharge Areas</b>	
<b>Attachment 9</b> <b>Public Notification of Request for Site Approval</b>	
<b>Attachment 10</b> <b>35 IAC 810 through 815</b>	

**Executive Summary**

**This document presents facts which demonstrate that the Applicant, H/L Disposal Co. can provide the services needed by citizens of Vermilion County to meet their solid waste management needs. These services will be provided in a manner that preserves and protects the quality of the environment. This request is not for a new landfill; but, rather for approval of the volumetric expansion of an existing landfill.**

**When Illinois citizens became aware of the danger posed to the environment by careless, uncontrolled waste disposal, they responded by urging the General Assembly to take action. In 1970, the Illinois Environmental Protection Act became law. Section 20.a. of the Act states:**

**The General Assembly finds:**

- 1. that economic and population growth and new methods of manufacture, packaging, and marketing, without the parallel growth of facilities enabling and ensuring the re-cycling, re-use and conservation of natural resources and solid waste, have resulted in a rising tide of scrap and waste materials of all kinds;**
  
- 2. that excessive quantities of refuse and inefficient and improper methods of refuse disposal result in scenic blight, cause serious hazards to public health and safety, create public nuisances, divert land from more productive uses, depress the value of nearby property, offend the senses, and otherwise interfere with community life and development;**

3. that the failure to salvage and reuse scrap and refuse results in the waste and depletion of our natural resources and contributes to the degradation of our environment;

Today, more than 20 years later, Illinois has made substantial progress in reducing environmental problems. Still, much remains to be done.

To maintain the pace of environmental improvement government, the private sector and individuals must cooperate in providing for the reduction, reuse, recycling and disposal of solid waste and refuse. Vermilion County can assure the availability of safe and economical waste management and recycling through its approval of this volumetric expansion of the existing landfill.

The Illinois Environmental Protection Act requires an applicant for siting approval of a regional pollution control facility to demonstrate that the proposed facility meets the following criteria:

1. the facility is necessary to accommodate the waste needs of the area it is intended to serve;
2. the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
3. the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

4. the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed;
5. the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
6. the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
7. if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;
8. if the facility is to be located in a county where the County Board has adopted a solid waste management plan, the facility is consistent with that plan; and
9. if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

It is the purpose of the Applicant to give the Vermilion County Board the information needed to demonstrate compliance with each of the applicable criteria. This will be accomplished by the presentations contained in this document supplemented by evidence provided at the public hearing.

The need for this Regional Pollution Control Facility expansion is based upon two (2) requirements facing the citizens and businesses of Vermilion County:

1. a requirement in Illinois statutes to achieve a recycling goal of 25 percent.
2. a requirement to have safe and sufficient disposal capacity available to maintain economic development and population growth.

By incorporating a Recycling Facility in the development plan the ability to satisfy the first requirement is enhanced. The expansion of disposal capacity within an area already approved for use by the Illinois Environmental Protection Agency meets the long-term needs set forth in the second requirement.

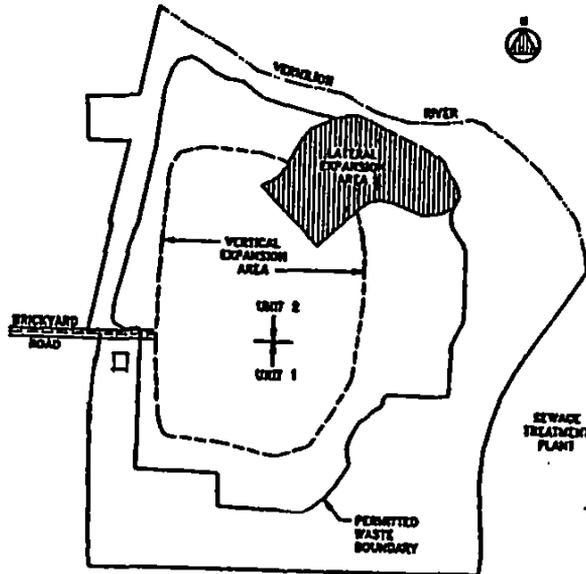


FIGURE 1

Protection of the public health, safety and welfare is enhanced by the improvements incorporated in this design. These improvements are based upon recently-adopted regulations of the Illinois Pollution Control Board and incorporate the most advanced concepts in landfill design. The design includes systems to collect and manage contaminated water and landfill gas; minimize nuisances and noise; reduce visual impacts; monitor water and air; assure efficient operations; respond to contingencies; and provide long-term security.

The minimization of incompatibility with the character of the surrounding area and effects on value of surrounding property is accomplished at this location. The lateral expansion is surrounded on three (3) sides by an IEPA-permitted landfill operation. The nearest occupied property on the fourth side is a sewage treatment plant. Vertical expansion of the facility occurs at a distance of several hundred feet from any surrounding property and will have minimum visual impact.

A map of the 100-year floodplain of the Vermilion River produced by the Federal Emergency Management Agency (FEMA), demonstrates that all waste disposal areas are outside the floodplain.

An operational plan including provisions for responding to contingencies such as fires, spills and operational accidents is included herein. Personnel training is an important element of a safety program and is a routine part of this operation. The operating history demonstrates the ability of the facility to successfully carry out its functions without threatening the surrounding area.

Traffic patterns to and from the facility will be minimally affected by the proposed expansion. The purpose here is to extend the useful service life of the facility by reducing the amount of waste disposed and providing volumetric expansion. No increase in daily truck deliveries to the facility is expected. The Recycling Facility will generate some outbound loads of recyclables returned to the economic mainstream. However, it is unlikely these shipments will exceed 5 or 6 truckloads per week. The timing of these shipments will be controlled to avoid movements during peak operating hours. Therefore, the impact on existing traffic flows should be minimal. Criteria 7, 8 and 9 are not applicable to this application.

The applicant is convinced that this proposal will benefit all the citizens of Vermilion County and provide sound economic benefits to the community. At the same time every effort is being made to assure that environmental protection is achieved.

**REQUEST FOR SITE APPROVAL FOR A REGIONAL POLLUTION CONTROL FACILITY**

**H/L DISPOSAL CO.**

**BRICKYARD ROAD DISPOSAL AND RECYCLING**

**VOLUMETRIC EXPANSION OF LANDFILL AND A RECYCLING FACILITY**

**Brickyard Road**

**Vermilion County**

**Danville, Illinois**

**Criterion 1**

The primary service area of H/L Disposal Co. (H/L) is Vermilion County and the surrounding east-central Illinois area. The facility has served waste needs of Vermilion County and other areas including portions of Champaign County. However, it is unlikely that service to Champaign County communities will continue for a long term since governmental units in Champaign County are actively seeking alternative waste management facilities.

Vermilion County has a substantial industrial base including the following:

**GM Central Foundry**

**Teepak, Inc.**

**CCL Industries**

**Recording & Statistical Corp.**

**Danville Metal Stamping**

**Bohn Refrigeration Products**

**Westvaco**

**Mervis Industries**

**Stone Container Corp.**

**Quaker Oats**

**Hyster Co.**

**Valmont Electric**

**U.S. Can Corporation**

**MFG Corporation**

**Wyman Gordon**

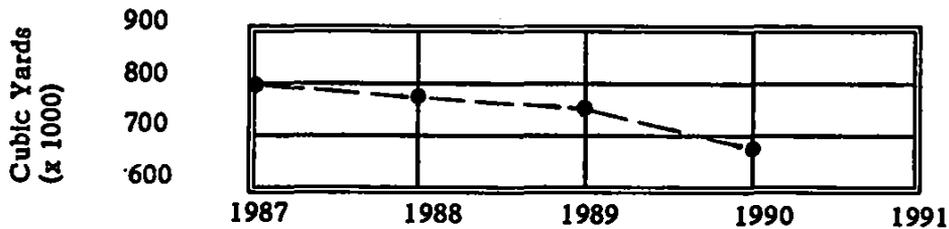
In addition to the industries listed, the Veteran's Administration Medical Center, Danville Area Community College and Danville Correctional Center are large employers and generators of wastes requiring disposal. See Attachment 1.

The population of Vermilion County is approximately 91,000 persons. The health, safety and welfare of these citizens is dependent upon the availability of environmentally safe waste management facilities. The County is relatively well-developed industrially in comparison to other surrounding counties. Convenient available disposal capacity will attract industry. Only two landfills are currently available within Vermilion County to receive industrial residues.

It is critical for Vermilion County to consider its long term needs for waste management. The Illinois General Assembly recognized this critical need in adopting House Bill 1175 in 1989. This Act amends the Solid Waste Planning and Recycling Act to require counties with a population less than 100,000 to adopt solid waste plans by March 1, 1995. Solid waste planning will help to increase recycling; but, it must also recognize the need for long term disposal facilities. This proposal includes development of a Recycling Facility. Vermilion County will benefit from this facility since its recycling goals should be attained.

The Illinois Environmental Protection Agency has published annual data on solid waste management facilities in Illinois since October, 1987. A review of this historical data is helpful in understanding the increasing need for waste management facilities. Figure 2 (on the following page) illustrates the trends in use of the H/L facility.

Figure 2



Solid waste subject to fee disposed at H/L Disposal Co. #3 Landfill. Danville, Illinois. From Available Disposal Capacity for Solid Waste in Illinois. IEPA, 1990.

Although the rate of waste accepted at the facility is slowly declining; probably in response to waste reduction, recycling and composting; the Useful Service Life of the facility is also declining because no increase in the permitted volume has occurred since 1981.

The map included as Attachment 2 provides the location and estimated capacity of sanitary landfills in Vermilion County and the immediate surrounding area. It is apparent that any long term view of service area waste management needs must acknowledge a requirement for additional capacity. The proposed expansion of the H/L facility will provide capacity for 20 years of service. When this capacity is added to the existing system, it provides an attractive level of service for interested industries.

The H/L facility is an efficient and environmentally sound operation. This is reflected in the savings it provides to Vermilion County citizens and businesses. A recent survey by the Illinois Department of Energy and Natural Resources shows that the cost of waste disposal at H/L is \$5.25 per cubic yard compared to an average \$5.76 per cubic yard statewide; and some as high as \$12.00 per cubic yard.

The proposed facility is necessary to accommodate the waste needs of Vermilion County and the area it is intended to serve.

**Criterion 2**

The proposed H/L expansion is within the immediate area of an IEPA-permitted landfill. Three sides of the expansion area are adjacent to a permitted facility. The hydrogeological conditions in the area have been extensively studied and are very favorable for waste disposal. The design of this facility will meet or exceed the requirements of Illinois' stringent new landfill regulations. See Attachments 3, 4, 7, and 10.

The expanded area and other areas of Unit 2, located in the north part of the facility are to be equipped with a leachate control system. This system will allow monitoring and removal of contaminated fluid in the base of the landfill. The system is described in Attachment 4.

A landfill gas monitoring system is proposed for Unit 2. This system is to be installed and operated as construction progresses. If significant migration of landfill gas is found in the monitoring system, a landfill gas control system will be installed. Details of the landfill gas monitoring and control systems are provided in Attachment 4.

In addition to the system for landfill gas monitoring, this proposal includes an expanded groundwater monitoring system. The details of the expanded system are provided in Attachment 4. The sampling and analysis of the groundwater monitoring system will provide an early indication of any change in groundwater quality. Therefore, any required remedial measures can be initiated long before adverse effects on public health, safety and welfare could occur.

The additional site improvements included in this proposal will insure that the public health, safety and welfare will be protected. All of the additional safeguards as well as the expansion

must be reviewed and approved by IEPA prior to development. This gives additional assurance that the improvements will enhance the integrity of the site.

**Criterion 3**

The landfill site is in an area used for waste disposal for twenty years. A landfill is located immediately north of the site. A sewage treatment plant is east of the site. A number of residences are located west and south of the site.

To minimize any adverse effects on nearby properties, the landfill operator constructs earthen berms to provide sight screens. Although much of the waste handling occurs below grade, this proposal would include additional above-grade activities which must be screened from public view. The development plans for the facility, Attachment 4, shows the location of perimeter berms intended to screen waste handling operations from public view.

A study of the economic impact proposed volumetric expansion has been conducted by Cunningham, Inc., Danville, Illinois. See Attachment 5. The proposed facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

**Criterion 4**

The site is outside the boundary of the 100-year flood plain. Attachment 6 is a copy of a portion of the Flood Hazard Boundary Map, Community Panel Number 170935 0006A which includes the vicinity of H/L Disposal Co. Landfill. The map has been amended to show

the location of the landfill. This map demonstrates that the proposed site and all landfill activities lie outside the boundary of the 100-year flood plain.

**Criterion 5**

The facility has operated without adversely affecting the surrounding area due to fires, spills or other operational accidents since the beginning of operation in 1971. The plan of operation is included in Attachment 7.

**Criterion 6**

The proposed additional volume will have no effect on existing traffic nor traffic patterns to or from the facility. No increase in the quantity of waste received at the facility is proposed. Only the expected useful life of the facility would be increased. Approximately one truck per day with outbound shipments of recyclables will have no significant impact on existing traffic flows.

The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

**Criterion 7**

The facility is intended to handle only "non-hazardous" wastes. No wastes defined as "hazardous" under the Resource Conservation and Recovery Act or the Illinois Environmental Protection Act or Title 35 IAC, Subtitle G. Waste Disposal; will be accepted.

**Criterion 8**

The Vermilion County Board has not adopted a solid waste management plan. However, this proposal includes the development of a recycling facility which will enable the County to meet the recycling goals established by Illinois statute. Since this proposal will allow Vermilion County to demonstrate capacity for solid waste management for at least twenty (20) years and meet the recycling goals, it should be consistent with any future plan adopted by the County Board.

**Criterion 9**

At this date no regulated recharge areas have been designated in Illinois. See Attachment 8.

**Conclusion**

As stated above, this application meets the applicable criteria for siting. The proposed facility will enable Vermilion County to meet its long-term solid waste management needs in a safe, environmentally-sound manner.

LEGAL DESCRIPTION

First National Bank of Danville  
Trust Number: 3087

Beneficiaries:

Kelley L. Smith  
162 Thornhill Drive  
Danville, Illinois 61832

Karen S. O'Neil  
162 Thornhill Drive  
Danville, Illinois 61832

Peggy A. O'Neil  
162 Thornhill Drive  
Danville, Illinois 61832

Sybil Mervis, Trustee  
Ellen J. Mervis Trust  
3295 E. Main Street  
Danville, Illinois 61832

Louis Mervis  
3295 East Main Street  
Danville, Illinois 61832

The Application seeks approval of a volumetric expansion of a landfill which is located at Brickyard Road, Danville, Illinois, and is legally described as follows:

A parcel of land situated in part of Sections 15, 16, 21 and 22, Township 19 North, Range 11 West of the 2nd P.M., Vermillion County, Illinois, being further described as follows:

Beginning at an Iron Rod at the Southwest corner of the Northeast Quarter of said Section 21; thence North along the west line of said Quarter Section on an azimuth of 358° 16' 13", (as referenced to Grid North of the Illinois State Plane Coordinate system, East Zone, as established and published by the United States Geodetic Survey) 1442.51 feet to the easterly right-of-way line of the Old Danville Southeastern Electric Railroad as shown in Deed Record Volume 224, page 438; thence Northeastery 41° 50' 38" along said right-of-way line 401.8 feet; thence Westery 268° 25' 18", a distance of 113.4 feet to the westerly right-of-way line of said railroad; thence Northeastery 11° 50' 38" along said right-of-way line 895.22 feet to the north line of the Northeast Quarter of said Section 21; thence Westery 268° 32' 32" along said line 26.3 feet to the westerly right-of-way line of said railroad as shown in Deed Record Volume 224, page 193; thence Northeastery 10° 45' 58" along said line 679.71 feet to the Southeast corner of the parcel of land shown in Deed Record Volume 366, page 330; thence Westery 268° 32' 32", a distance of 328.21 feet to an Iron Rod at the Northeast corner of Lot 21 in H.E. Brown's Second Subdivision as shown in Plat Record Volume 5, page 356; thence Northerly 356° 51' 10" along the west line of Lot 33 in said Subdivision, 350 feet; thence Easterly 88° 08' 46", a distance of 414.95 feet to the westerly right-of-way line of the aforesaid railroad; thence Northeastery 10° 45' 48", a distance of 714 feet more or less to the South bank of Vermillion River as it exists on November 20, 1875; thence Southeastery along said South bank following the meanderings of said river through the Southeast Quarter of said Section 16, the Southwest Quarter of the Southwest Quarter of Section 15 and the Northwest Quarter of said Section 22 to a point on the westerly line of the Old Chicago and Eastern Illinois Railroad right-of-way, situated in the Northwest Quarter of said Section 22 as shown in Deed Record Volume 64, page 532; thence Southwesterly 213° 31' 24" along said right-of-way line being 33 feet Northwestery at right angles and parallel with the center line of said railroad, 450 feet more or less to railroad plan Station No. 5776+19; thence Northwestery 303° 31' 24", a distance of 10 feet along a railroad right-of-way line as shown in Deed Record Volume 236, page 292; thence Southwesterly 213° 31' 24" along said right-of-way line being 43 feet Northwestery at right angles and parallel with the center line of said railroad, a distance of 522.50 feet to a point of curve at station No. 5781+41.5; thence around a curve to the left an arc distance of 272.44 feet, said curve having a radius of 1475.26 feet, a chord distance of 272.05 feet, and a chord azimuth of 208° 13' 58"; thence Southeastery 112° 58' 32", a distance of 10 feet to a point on a curve being 33 feet; measured at right angles; to the center line of said railroad; thence Southwesterly around a curve to the left an arc distance of 684.97 feet to a point of agency at Station No. 5790+56, said curve having a radius of 1465.26 feet, a chord distance of 659.28 feet, and a chord azimuth of 189° 56' 28"; thence Southeastery 176° 56' 24", a distance of 435.50 feet to a point of curve at Station No. 5794+91.5; thence around a curve to the right an arc distance of 251.56 feet to an Iron Rod on the south line of the Northwest Quarter of said Section 22, said curve having a radius of 1169.0 feet, a chord distance of 251.07 feet, and a chord azimuth of 183° 06' 25"; thence Westery 267° 38' 57" along the south line of said Quarter Section 492.47 feet to a stone at the Southeast corner of the Northeast Quarter of Section 21; thence Westery 269° 17' 21" along the south line of the Northeast Quarter of said Section 21, a distance of 2640.64 feet to the place of beginning, containing 293 acres more or less. Subject to the rights of the Public in and to that part of the above premises falling in the Public Roads commonly known as Brickyard Road and Murray Clark Road, situated on the west side of the above described real estate. Subject to the rights of the Chicago and Eastern Illinois Railroad in and to a strip of land formerly used as a railroad siding and shown in Deed Record Volume 238, page 292, document number 108250, dated February 27, 1911. Deed record documents referred to are on file in the Office of the County Recorder, Vermillion County, Vermillion County, Illinois.

EXISTING CONDITIONS (continued)

The writer has visited the facility on several occasions in May, June, and July of 1991, with the purpose of obtaining an overall view of the facility's operation. Also visited, for comparative purposes, was the Mallard Lake Landfill in DuPage County, Illinois. The H/L facility operates, in the writers judgment, in an efficient manner which is quite similar to the larger DuPage County facility. Odor was not a significant factor at any inspection time. As is inevitably the case, dust and the volume of truck traffic was a factor. This has been a constant for over fifteen years.

PROPOSED CONDITIONS

The volumetric expansion calls for a forty foot (40') vertical increase in height of the existing facility over a 90 acre portion of the total 293 acre facility. This raises the ceiling from 675 to 715 feet above sea level. (See map in Appendix 5 of the application for illustration)

The writer requested Andrews Environmental Engineering, Inc. to tether a helium balloon to the maximum elevation of 715 MSL so that a visual inspection of the new height could be accurately observed. A full inspection of all locations and vantage points within a 500 feet radius of the subject was carefully conducted. The only point the balloon was actually visible was on Brickyard Road from the entrance. This point was well beyond the 500 feet line. Defoliation of trees in colder seasons might change that observation from some individual locations.

The Applicant states in Attachment 4 of the application that all outer slopes of any berming will be covered with either riprap or vegetation for stability and aesthetic appearance. These berms should provide an attractive appearance. Similar berms were observed at the Mallard Lake Landfill.

Cunningham, Inc.

13106 Site Approval-Pollution Control Facility  
08/21/81, 08/22/81, 08/04/81  
NOTICE OF REQUEST FOR SITE APPROVAL FOR  
A REGIONAL POLLUTION CONTROL FACILITY

NOTICE is hereby given that on September 20, 1981, H.L. Disposal Co., State Brickyard Road, Danville, Illinois, and Recycling, P.O. Box 616, Danville, Illinois 61822 (H.L. Disposal), with the Vermilion County Board is Request for Site Approval for a Regional Pollution Control Facility-Volumetric Expansion of a Landfill and Recycling Facility ("Application"). This Application is being filed pursuant to Section 1039.2 of the Illinois Environmental Protection Act, 8. Rev. Stat., Ch. 111, Sec. 1039.2 (the Act), and Vermilion County Ordinance No. 87-81 entitled Ordinance for the Approval of Pollution Control Facility Siting in Vermilion County, Illinois.

The Application seeks approval of a volumetric expansion of a landfill which is located at Brickyard Road, Danville, Illinois, and is legally described as follows:

A parcel of land situated in part of Sections 15, 16, 21, and 22, Township 18 North, Range 11 West of the 2nd P. Meridian, Vermilion County, Illinois, being further described as follows: Beginning at an Iron Rod at the Southwest corner of the Northeast Quarter of said Section 21; thence North along the west line of said Quarter Section on an azimuth of 358° 18' 13", as referenced to Grid North of the Illinois State Plane Coordinate system, East Zone, as established by the United States Geodetic Survey 1442.51 feet to the easterly right-of-way line of the Old Danville Southeastern Railroad, as shown in Dead Record Volume 22, page 438; thence Northeasterly 11° 50' 35" along said right-of-way line 401.8 feet; thence Westerly 268° 25' 15", a distance of 113.4 feet to the easterly right-of-way line of said railroad; thence Northeasterly 11° 50' 35" along said right-of-way line 603.22 feet to the north line of the Northeast Quarter of said Section 21; thence Westerly 268° 25' 15" along said line 2.3 feet to the easterly right-of-way line of said railroad as shown in Dead Record Volume 22, page 183; thence Northeasterly 10° 45' 48" along said line 173.71 feet to the Southeast corner of 43.36 acres of land shown in Dead Record Volume 343, page 330; thence Westerly 268° 32' 32", a distance of 328.21 feet to an Iron Rod at the Northeast corner of Lot 21 in the Second Subdivision as shown in Plat Record Volume 6, page 154; thence Northerly 356° 31' 10" along the west line of Lot 33 in said Subdivision 350 feet; thence Easterly 89° 08' 50" a distance of 414.85 feet to the westerly right-of-way line of the aforesaid railroad; thence Northeasterly 10° 45' 48", a distance of 714 feet more or less to the South bank of Vermilion River as it exists on November 20, 1875; thence Southeasterly along said South bank following the meanderings of said river through the Southeast Quarter of said Section 15, the Southeast Quarter of the Southwest Quarter of Section 15, and the Northwest Quarter of said Section 22 to a point on the westerly line of the Old Chicago and Eastern Iowa Railroad right-of-way, situated in the Northwest Quarter of said Section 22 as shown in Dead Record Volume 64, page 532; thence Southeasterly 213° 31' 24" along said right-of-way line being 33 feet to the center line of said railroad and parallel with the center line of said railroad, 450 feet more or less to railroad plan Station No. 4778+10; thence Northwesterly 303° 31' 24", a distance of 10 feet to the easterly right-of-way line as shown in Dead Record Volume 216, page 282; thence Southwestterly 213° 31' 24" along said right-of-way line being 43 feet Northwesterly at right angles and parallel with the center line of said railroad, a distance of 622.50 feet to a point of curve at station No. 3781+41.5; thence around a curve to the left an arc distance of 272.44 feet, said curve having a radius of 1475.28 feet, a chord distance of 272.05 feet, and a chord azimuth of 208° 13' 58"; thence Southwestterly 113° 50' 32", a distance of 10 feet to a point on a curve being 33 feet, measured at right angles, to the center line of said railroad; thence Southwestterly around a curve to the left an arc distance of 694.97 feet to a point of tangency at Station No. 6790+56; said curve having a radius of 3463.26 feet, a chord distance of 639.28 feet, and a chord azimuth of 189° 58' 28"; thence Southwestterly 178° 58' 24", a distance of 432.80 feet to a point of curve at Station No. 6792+01.5; thence around a curve to the right an arc distance of 291.56 feet to an Iron Rod on the south line of the Northwest Quarter of said Section 22; said curve having a radius of 1589.0 feet, a chord distance of 231.07 feet, and a chord azimuth of 180° 00' 23"; thence Westerly 267° 28' 57" along the south line of said Quarter Section 22 492.47 feet to a stone at the Southeast corner of the Northeast Quarter of Section 21; thence Westerly 267° 17' 21" along the south line of the Northeast Quarter of said Section 21, a distance of 384.04 feet to the beginning, containing 233 acres more or less. Subject to the rights of the Public in and to that part of the above premises lying in the Public Roads commonly known as Brickyard Road and Murray Clark Road, situated on the west side of the above described real estate, subject to the rights of the Chicago and Eastern Illinois Railroad in and to a strip of land formerly used as a railroad siding and shown in Dead Record Volume 216, page 282, documents number 108250, dated February 27, 1911. Dead record documents referred to are on file in the Office of the County Recorder, Vermilion County, Vermilion County, Illinois.

This expansion will be a volumetric expansion of a currently permitted facility, known as HL No. 3 or Brickyard Road Disposal and Recycling. The currently permitted facility is located on approximately 283 acres, of which approximately 190 acres are permitted for disposal. The currently permitted facility accepts solid waste and special waste as approved by the Illinois Environmental Protection Agency (IEPA). No hazardous wastes defined by federal or state statutes or regulations are accepted at the facility. The Application seeks to expand the area in which solid waste and special waste may be disposed and to do so in an environmentally safe and sound manner. No hazardous waste will be accepted for disposal in the expanded facility. The Application seeks a permit for a lateral expansion of approximately 21 acres. This 21 acre area is within the area previously permitted for development by IEPA. The Application also seeks to add a recycling facility as well as a 40 bed vertical expansion over a portion of the currently permitted facility. If approved, this expansion will increase the anticipated life of HL No. 3 by an additional 20 years, more or less.

Pursuant to Section 1039.2 of the Act and the Vermilion County Ordinance 87-81, the Vermilion County Board must hold at least one public hearing no sooner than 90 days but no later than 120 days from receipt of this Application. This hearing will be preceded by published notice in The Commercial News. In addition, notice of the hearing will be provided by certified mail to all members of the General Assembly from the district in which the proposed site is located and to the IEPA.

Section 1039.2 of the Act and Ordinance 87-81 also require that any person may file written comments on the Application with the Vermilion County Clerk. Any written comment received by the Vermilion County Clerk or postmarked not later than 30 days after the date of the last public hearing shall be made a part of the record at the public hearing. According to the Act and Ordinance 87-81, the Vermilion County Board shall consider all written comments in making its determination concerning the Application.

H.L. Disposal Co.  
P.O. Box 616  
Danville, IL 61822

**R E S O L U T I O N**

**RE: APPROVAL OF SITING REQUEST FOR REGIONAL POLLUTION CONTROL FACILITY**

WHEREAS, H/L Disposal Co. requested site approval for a regional pollution control facility, consisting of a lateral and vertical expansion of permitted landfill boundaries, within existing property boundaries; and

WHEREAS, the H/L Disposal Co., request also included a request for site approval of a recycling facility to be constructed on the same site; and,

WHEREAS, the procedural requirements of Illinois Revised Statutes, 1989, Chapter 111 1/2, section 1039.2, and the Ordinance for Approval of Pollution Control Facility Siting in Vermilion County, Illinois, have been complied with, and a public hearing on the siting request was held on December 23, 1991; and,

WHEREAS, the County Board has considered the record of the public hearing and all documents relating to the request; and,

WHEREAS, the Committee formed pursuant to the Ordinance for Approval of Pollution Control Facility Siting in Vermilion County, Illinois, has submitted findings and recommendations regarding the application for site approval to the County Board, which have been considered by the County Board;

**NOW THEREFORE BE IT RESOLVED,**

- 1) The attached Findings and Recommendations of the Committee formed pursuant to "An Ordinance for the Approval of Pollution Control Facility Siting in Vermilion County, Illinois," approved July 14, 1987, are adopted by the County Board and are incorporated herein by reference.
- 2) The request for site approval for a regional pollution control facility by H/L Disposal Co. is approved, subject to the following conditions:
  - A. The expansion area shall be as shown on the attached drawings, which are incorporated herein by reference.
  - B. All leachate from within the expansion areas approved by this resolution shall be collected and disposed of through the leachate collection system designed for the expansion area, as required by the rules and regulations promulgated by the Illinois Pollution Control Board. This condition is

not intended to impose any technical or design standards other than those applicable to new sanitary landfills.

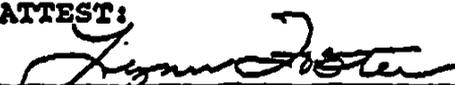
- 3) The Chairman of the County Board is authorized to sign and deliver any documents necessary to certify the decision of the County Board to the Illinois Environmental Protection Agency and H/L Disposal, Co..

PRESENTED, APPROVED, AND RESOLVED by the County Board of Vermilion County, Illinois, at its February 11, 1992, Session.

DATED, this 11th day of February, 1992.

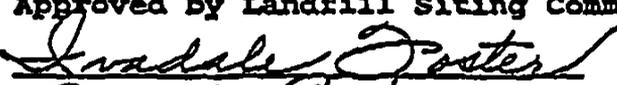
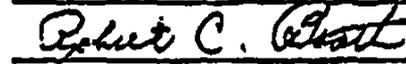
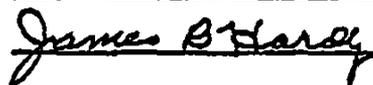
Aye 20 Nay      Absent 5 2 Abstain

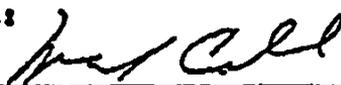
  
 \_\_\_\_\_  
 Chairman, Vermilion County Board

ATTEST:  
  
 \_\_\_\_\_  
 Clerk of Vermilion County

  
 \_\_\_\_\_  
 Approved as to form: State's Attorney

Approved by Landfill Siting Committee:

  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
  
 \_\_\_\_\_

  
 \_\_\_\_\_  
 \_\_\_\_\_

RES092-476



State of Illinois ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

CERTIFICATION OF SITING APPROVAL (LPC-PAS)

Name of Applicant: Brickyard Disposal and Recycling, Inc.

Address of Applicant: 601 E. Brickyard Road, P.O. Box 515, Danville, IL 61834-0515

Name of Site: Brickyard Disposal and Recycling, Inc.

Site Information: Nearest City Danville

County: Vermilion

1. On February 11, 1992, the County Board of Vermilion (governing body of county or municipality) (county or

County approved the site location suitability of Brickyard Road Disposal and Recycling (name of site) as a new regional pollution control facility in accordance with Section 39.2 of the Illinois Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, Section 1039.2.

2. The facility was approved for the following activities:

waste storage ( ), landfill (X), waste disposal ( ), waste transfer station ( ), waste treatment ( ), waste incinerator ( ).

3. Attached to this certification is a true and correct statement of the legal description of the site as it was approved by the aforementioned local governing body.

4. Attached to this certification is a true and accurate statement of conditions, if any, under which the approval was provided. (Note: These conditions are provided for information only to the IEPA. The IEPA is not obligated to monitor or enforce local conditions.)

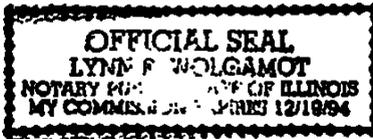
5. The undersigned has been authorized by the County Board of Vermilion County (governing body of county or municipality) (county or municipality) to execute this certification on behalf of

Vermilion County Board (county or municipality)

NAME: [Signature] TITLE: County Board Chairman

SUBSCRIBED AND SWORN TO BEFORE ME this 22 day of August, 1994

[Signature] Notary Public



This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.



*Bureau*



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397  
BRUCE RAUNER, GOVERNOR                      LISA BONNETT, DIRECTOR

217/524-3301

November 25, 2015

Certified Mail  
7013 2630 0001 4705 5675

Brickyard Disposal & Recycling, Inc.  
Attn: Mr. Travis Simpson  
P.O. Box 985  
Danville, Illinois 61834-0985

**EPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE**

Re: 1838040029 -- Vermilion County  
Brickyard Disposal & Recycling  
Log No. 2015-421  
Permit Landfill 811 File  
Permit DOI

**DEC 10 2015**

**REVIEWER: MJK**

Dear Mr. Simpson:

Pursuant to 35 IAC 813.103(b), the Illinois Environmental Protection Agency has reviewed, for purposes of completeness only, the application referenced above, both dated and received August 31, 2015, and an addendum to the application both dated and received by the Illinois EPA on October 30, 2015. This review has revealed that the application does not contain the information described below and therefore is incomplete. This determination of incompleteness is based on the omission of the following item(s):

1. The application did not include a current Certification of Siting Approval form (LPC-PA8). The proposed landfill modification meets the definition of a "New Pollution Control Facility" pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act ("Act"), as it includes an area of expansion beyond the boundaries of a currently permitted pollution control facility. Therefore, the applicant must submit proof to the Agency that the location of the facility has been approved by the County Board, pursuant to Section 39(c) of the Act.
2. The application does not include a new/updated Groundwater Impact Assessment (GIA). Pursuant to Part 811, Subpart C, Section 811.317(a)(1), the facility is required to submit to the Illinois EPA for review a GIA which adequately represents the facility redesign/expansion including minimum design standards for slope configuration, cover, liner, leachate drainage and collection system. In accordance with Section 811.317(c)(1), the facility is required to have an approved contaminant transport model that represents groundwater flow under the proposed expanded facility. Therefore, the applicant must submit a new/revised GIA as part of a complete permit application for facility expansion.

4302 N. Main St., Rockford, IL 61103 | 815 | 987-7760  
595 S. State, Elgin, IL 60123 | 847 | 608-3131  
2125 S. First St., Champaign, IL 61820 | 217 | 278-5800  
2009 Mall St., Collinsville, IL 62234 | 618 | 346-5120

9511 Harrison St., Des Plaines, IL 60016 | 847 | 294-4000  
412 SW Washington St., Suite D, Peoria, IL 61602 | 309 | 671-3022  
2309 W. Main St., Suite 116, Marion, IL 62959 | 618 | 993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601

PLEASE PRINT ON RECYCLED PAPER

Page 2

In the 35 days following the date of this letter, you may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision<sup>1</sup>. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period<sup>2</sup>. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

If you have any questions regarding this letter, please contact Doug VanNattan at 217/782-7505.

Sincerely,



Stephen F. Nightingale, P.E.  
Manager, Permit Section  
Bureau of Land

SFN:DCV <sup>CIL</sup>  
DCV <sup>MSTBM</sup>

cc: Douglas W. Mauntel, P.E., Andrews Engineering, Inc. (by e-mail)  
Jenny Trimmell, Vermilion County Health Department (by e-mail)  
Todd Hamilton, Republic Services, Inc. (by e-mail)

bcc: Bureau File  
Champaign Region  
Bur Filson  
Ellen Robinson, Bob Mathis & Nancy Moore  
Brett Bersche  
Doug VanNattan

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1 For information regarding the filing of an appeal, please contact:  
Illinois Pollution Control Board, Clerk  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
312/814-3620

2 For information regarding the request for an extension, please contact:  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

*Bureau*



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397  
BRUCE RAUNER, GOVERNOR                      LISA BONNETT, DIRECTOR

217/524-3301

September 24, 2015

Certified Mail  
7013 2630 0001 4705 4968

Brickyard Disposal & Recycling, Inc.  
Attn: Mr. Travis Simpson  
P.O. Box 985  
Danville, Illinois 61834-0985

Re: 1838040029 -- Vermilion County  
Brickyard Disposal & Recycling  
Log No. 2015-421  
Permit Landfill 811 File  
Permit DOI

Dear Mr. Simpson:

Pursuant to 35 IAC 813.103(b), the Illinois Environmental Protection Agency has reviewed, for purposes of completeness only, the application referenced above, both dated and received August 31, 2015. This review has revealed that the application does not contain the information described below and therefore is incomplete. This determination of incompleteness is based on the omission of the following item(s):

1. The application did not include the Certification of Siting Approval form (LPC-PA8). The proposed landfill modification meets the definition of a "New Pollution Control Facility" pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act ("Act"), as it includes an area of expansion beyond the boundaries of a currently permitted pollution control facility. Therefore, the applicant must submit proof to the Agency that the location of the facility has been approved by the County Board, pursuant to Section 39(c) of the Act.
2. The application does not include a new/updated Groundwater Impact Assessment (GIA). Pursuant to Part 811, Subpart C, Section 811.317(a)(1), the facility is required to submit to the Illinois EPA for review a GIA which adequately represents the facility redesign/expansion including minimum design standards for slope configuration, cover, liner, leachate drainage and collection system. In accordance with Section 811.317(c)(1), the facility is required to have an approved contaminant transport model that represents groundwater flow under the proposed expanded facility. Therefore, the applicant must submit a new/revised GIA as part of a complete permit application for facility expansion.

4302 N. Main St., Rockford, IL 61103 (815) 987-7760  
595 S. State, Elgin, IL 60123 (847) 608-3131  
2125 S. First St., Champaign, IL 61820 (217) 278-5800  
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Decatur, IL 60016 (847) 294-4000  
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main St., Suite 116, Moline, IL 62959 (618) 993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601

PLEASE PRINT ON RECYCLED PAPER

PCB No. 2016-066 R. 47571

Page 2

In performing the completeness review for this application, the following technical deficiencies were noted:

TECHNICAL DEFICIENCIES

1. The instructions for the LPC-PA16 form require that the project description be "clear and concise so the general public can understand". The terms "Zone A" and "wedge fill" are used in a manner such that the provided project description is not clear to the general public.
2. On the LPC-PA1 form, special waste was not identified as a type of waste accepted by the facility.
3. Plan drawings included in the application do not include a site coordinate grid system, and therefore are not properly benchmarked.

In the 35 days following the date of this letter, you may take either of the actions described below:

1. You may submit to the Illinois EPA additional information addressing the deficiencies identified.
2. The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision<sup>1</sup>. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period<sup>2</sup>. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the

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<sup>1</sup> For information regarding the filing of an appeal, please contact:  
Illinois Pollution Control Board, Clerk  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
312/814-3620

<sup>2</sup> For information regarding the request for an extension, please contact:  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

Page 3

information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

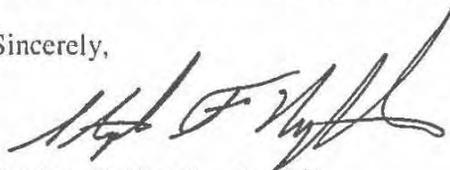
1. be in a format which allows incorporation of the new information into the appropriate sections of the current application;
2. include a cross-reference indicating where in the new information each deficiency, identified above, has been addressed;
3. have the date of the revision on each page and on each drawing;
4. include an original and at least three copies; and
5. be submitted to the address below.

Illinois Environmental Protection Agency  
Bureau of Land -- #33  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

If you do not submit additional information addressing the deficiencies within 35 days, the Illinois EPA shall consider the application not to have been filed. In this case, to reapply you will need to submit a new permit application in its entirety.

If you have any questions regarding this letter, please contact Doug VanNattan at 217/782-7505.

Sincerely,



Stephen F. Nightingale, P.E.  
Manager, Permit Section  
Bureau of Land

COL  
SFN:DCV  
DCV NSB

cc:

Bureau File  
Champaign Region  
Bur Filson  
Ellen Robinson, Bob Mathis & Nancy Moore  
Brett Bersche  
Doug VanNattan  
Mike Summers

cc: Douglas W. Mauntel, P.E., Andrews Engineering, Inc. (by e-mail)  
Jenny Trimmell, Vermilion County Health Department (by e-mail)  
Todd Hamilton, Republic Services, Inc. (by e-mail)